

**From:** Chambers, Micah  
**To:** [Magallanes, Downey](#); [Bowman, Randal](#)  
**Subject:** Fwd: Schatz Comments to Sec. Zinke on Papahanaumokuakea, Part 1 of 2  
**Date:** Tuesday, June 06, 2017 5:21:15 PM  
**Attachments:** [Sen Schatz Letter and Exhibits A-Q.pdf](#)  
[image001.gif](#)  
[image002.gif](#)

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----- Forwarded message -----

**From:** **Chang, James (Schatz)** <[James\\_Chang@schatz.senate.gov](mailto:James_Chang@schatz.senate.gov)>  
**Date:** Tue, Jun 6, 2017 at 5:55 PM  
**Subject:** Schatz Comments to Sec. Zinke on Papahanaumokuakea, Part 1 of 2  
**To:** Micah Chambers <[micah\\_chambers@ios.doi.gov](mailto:micah_chambers@ios.doi.gov)>  
**Cc:** "[amanda\\_kaster@ios.doi.gov](mailto:amanda_kaster@ios.doi.gov)" <[amanda\\_kaster@ios.doi.gov](mailto:amanda_kaster@ios.doi.gov)>, "Brunner, Danielle (Schatz)" <[Danielle\\_Brunner@schatz.senate.gov](mailto:Danielle_Brunner@schatz.senate.gov)>

**EMAIL 1 of 2**

Aloha Micah—

Per our email exchange yesterday, attached please find the first of two emails with the electronic version of Senator Schatz's comments on the expansion of the Papahanaumokuakea Marine National Monument. Because of the volume of supporting material, we have split the document into two parts, and are transmitting by two separate emails.

Unfortunately we missed the last pickup by the Senate's riding page today, so the hard copy will go out tomorrow morning. **If I could trouble you or your office to confirm receipt of both these emails and the hard copy, it would set my mind at ease.**

In the event of any problem with the transmission, please do not hesitate to contact me, or Senator's Knauss Fellow, Dr. Danielle Brunner, cc'd here.

With thanks,

James

James Chang, JD

Policy Advisor

Office of Senator Schatz

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Micah Chambers

Acting Director

Office of Congressional & Legislative Affairs

Office of the Secretary of the Interior



## United States Senate

June 6, 2017

The Honorable Ryan Zinke  
Secretary

Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

ATTN: Mr. Micah Chambers, Acting Director  
Office of Congressional and Legislative Affairs

The Honorable Wilbur Ross  
Secretary

Department of Commerce  
1401 Constitution Avenue, N.W.  
Washington, D.C. 20230

Dear Secretary Zinke and Secretary Ross:

I am writing to contribute my perspectives for your review of the Papahānaumokuākea Marine National Monument (PMNM) pursuant to Executive Order 13792. I am confident that after an impartial review of all the evidence, you will conclude that:

- robust engagement led to substantial changes to the original expansion proposal;
- the revised proposal had overwhelming support from Hawai'i leaders and constituents;
- scientific, cultural, and environmental benefits justify the expansion;
- the expansion has caused no economic harm to fishermen; and
- no further modifications to the PMNM are warranted.

### **OVERVIEW**

A group of influential Native Hawaiians proposed expanding the PMNM in January 2016. Environmental groups and scientists embraced the proposal, but the fishing community and many political leaders expressed concerns. By listening carefully to all parties, I offered a modified proposal that caused no economic harm to fishermen and provided Native Hawaiians with a greater management role, while retaining the scientific, environmental, cultural, and historical benefits. Public meetings confirmed overwhelming support for my proposal, and on August 26, 2016, the President issued Proclamation 9478, which expanded the PMNM under the terms I proposed.

The expansion has created positive results:

- The entire PMNM is open to recreational fishing.
- Small boat, mixed-use recreational and subsistence fishing remains unchanged.
- Commercial fishermen are on track to their most profitable year ever.
- Hawai'i's tourism revenues have increased.
- Tuna and shark stocks are likely to recover faster.
- Corals, endangered seabirds and Hawaiian monk seals will have improved habitat.
- War graves from the Battle of Midway will be protected.
- Native Hawaiians will have a co-equal voice in the management of the PMNM.

Simply put, we did the right thing the right way, and Hawai'i is now seeing the benefits.

## **ENGAGEMENT**

**Introduction.** The decision to expand the PMNM on August 26, 2016, occurred only after the Administration encouraged and considered substantial public feedback, and, in fact, Presidential Proclamation 9478 reflected a variety of disparate views. From the initial request by a group of influential Native Hawaiians to the proclamation itself, the Administration conducted robust engagement to ensure that all stakeholders had an opportunity to provide input. Officials from Washington, D.C., flew to Hawai'i to meet with stakeholders, and the Administration solicited public comments either in writing or in person at two public meetings held in Honolulu and on Kaua'i.

These engagement efforts led to significant changes from the initial request, and, eventually, won support from many community leaders who had initially questioned or opposed expansion including the following individuals:

- Hawai'i Governor David Ige
- U.S. Senator Brian Schatz
- U.S. Senator Mazie Hirono
- State Senator and Senate President Ron Kouchi (Kaua'i)
- State Representative and Vice Speaker John Mizuno
- State Representative Angus McKelvey
- Kaua'i Mayor Bernard Carvalho

**Background—Presidential Proclamation 8031.** On June 15, 2006, President George W. Bush signed Presidential Proclamation 8031, which established what was initially called the Northwestern Hawaiian Island (NWHI) Marine National Monument. This proclamation placed the emergent lands and the oceans out to fifty nautical miles under a strict conservation regime to conserve coral reefs and to protect endangered seabirds, turtles, and Hawaiian monk seals. Commercial and recreational fishing were completely banned, but fishing as part of Native

Hawaiian cultural practices was allowed by permit. Because of the strong significance of this area for Native Hawaiians, the monument was subsequently renamed the Papahānaumokuākea Marine National Monument. The name Papahānaumokuākea commemorates the union of two Hawaiian ancestors – Papahānaumoku and Wākea – who gave rise to the Hawaiian Archipelago, the taro plant, and the Hawaiian people.

The initial establishment of the PMNM was built on a century of presidential actions to protect the NWHI:

President Theodore Roosevelt—1903 and 1909  
President Franklin D. Roosevelt—1940  
President Lyndon B. Johnson—1967  
President Ronald Reagan—1988  
President William J. Clinton—1996  
President George W. Bush—2002, 2004, and 2006  
President Barack Obama—2016.

This record of presidential intervention reflects the growing understanding of the scientific, cultural, and conservation value of the NWHI by the United States. Internationally, the United Nations Educational, Scientific and Cultural Organization (UNESCO) designated PMNM as a World Heritage Site on July 30, 2010, because of its globally significant natural and cultural assets.

**First Steps Towards Expansion—The Native Hawaiian Proposal.** On January 29, 2016, a group of respected Native Hawaiian leaders wrote to the President and asked him to use his authority under the Antiquities Act to expand the PMNM. (See Exhibit A, the Native Hawaiian Proposal.) They described the cultural significance of the NWHI, and emphasized its scientific importance as an intact large-scale ocean ecosystem that supported wildlife of many kinds, including endangered Hawaiian monk seals, sea turtles, and sea birds.

Culturally, Native Hawaiian beliefs identify this region as the place of creation; historically, the islands were used by Native Hawaiians; and today, they are one of the last places where it is possible to experience the ocean in much the same condition as their forebears did when they came to Hawaii. This group of Native Hawaiian leaders praised the initial establishment of the PMNM as a positive first step, but they advocated further action to preserve the region and proposed, generally, to expand the PMNM out to the full 200 nautical miles of the U.S. Exclusive Economic Zone (EEZ), except for the Main Hawaiian Islands (MHI).

This proposal drew support from the environmental and scientific communities, and the Pew Environmental Group developed a map to depict a proposal that would expand PMNM's boundaries to the maximum extent possible consistent with the request of the Native Hawaiian



leaders. (See Exhibit B, Pew Proposed Map.) Fishermen and many community leaders, including myself, however, questioned the proposal and refused to immediately endorse it.

**Reactions—Fisheries.** Although the fishers all initially spoke in opposition to expanding PMNM, it is important to note that there are actually three distinct subsets of fishing interests that identified potential impacts from the Native Hawaiian Proposal: national recreational fishing groups, commercial longliners, and the small boat fishery from Kaua‘i and Ni‘ihau.

Recreational Fishing. As noted previously, when President Bush initially established the PMNM, its waters were completely closed off to recreational fishing—which was a concern for groups such as the American Sportsfishing Association, the Center for Coastal Conservation, and the National Marine Manufacturers Association. They expressed concerns about the negative precedent of excluding recreational fishing from areas such as the PMNM because of their members’ strong commitment to conservation and the minimal impact on protected resources. These groups hoped that consideration of the Native Hawaiian Proposal would allow for a re-examination of the recreational fishing ban.

Commercial Fishing. Hawai‘i’s commercial longline fishery is one of the most profitable in the United States, and its landings of sashimi-grade bigeye tuna consistently place Honolulu as one of the nation’s top ten productive fishing seaports. This fishery is federally managed, but as a highly-migratory species, bigeye tuna moves throughout the Pacific, and quota is set under an international agreement by a body known as the Western and Central Pacific Fisheries Council (WCPFC), and then implemented by rules adopted by the National Oceanic and Atmospheric Administration (NOAA).

Since 2012, the longline fishery has routinely gone over its WCPFC quota, and could only continue fishing by purchasing additional unused quota from Guam, the Commonwealth of the Northern Marianas Islands (CNMI), and American Samoa. (See Exhibit C, Longline Quota Usage Chart, prepared by NOAA.) Moreover, NOAA recently assessed bigeye tuna as “subject to overfishing”—an early signal of the need to reduce takes and allow the stock to replenish. The interests of the commercial longline fishery are represented by its professional association, the Hawai‘i Longline Association (HLA), and by the Western Pacific Regional Fishery Management Council (WPRFMC).

The HLA and the WPRFMC advanced several arguments. They pointed to the size of the proposed expansion, their historic take in the expansion area, and fishing restrictions in the Pacific Remote Island Marine National Monument as evidence that expanding PMNM would cripple their fishery. They also hired scientists to contest the scientific case for expansion, questioning the connection between the proposed expansion and protection for species in the NWHI.

**Underlying these arguments, however, was a false assumption: the longline fishery easily reaches its quota every year, with only an average of 6.5% of its catch attributable to the expanded NWHI region. In other words, the longline fleet could easily make up any “loss” from the proposed expansion by simply fishing elsewhere. (See Exhibit C, Longline Fishery Quota Usage Chart, prepared by NOAA.) In fact, based on recent conversations with the fishing industry, the longline fleet will use up all of its quota by September, and the slight delay in landing bigeye tuna has actually resulted in higher prices for the fishery and the likelihood that the industry will have its most profitable year ever.**

Small Boat Fishery. In direct contrast, Kaua‘i and Ni‘ihau’s small boat fishery is comprised mostly of local Kaua‘i and Ni‘ihau residents who follow a longstanding practice of fishing for recreation and putting fresh food on their tables. As a hybrid recreational and subsistence fishery primarily in state waters, the fishery participants do not have the same kind of organized representation as the longliners. If anything, however, their commitment to fishing is stronger because it is a part of their lifestyle and community identity, and losing access would put a halt to traditions going back generations. It would also force a significant number of Kaua‘i and Ni‘ihau residents to purchase food to replace the fish they catch for themselves.

The immediate, tangible impacts of the Native Hawaiian Proposal on Kaua‘i and Ni‘ihau’s hardworking men and women presented a compelling case to think carefully about expansion and the need to hold these communities harmless.

**Reactions—Office of Hawaiian Affairs.** The Office of Hawaiian Affairs (OHA) is a state public agency responsible for improving the well-being of Native Hawaiians. In 2006, when President Bush created the initial PMNM, the State of Hawai‘i, the Department of Commerce, and the Department of the Interior were designated as Co-Trustees for managing the monument, while OHA only had a limited management role. After nearly ten years of experience managing the initial PMNM, however, OHA and the State of Hawai‘i concluded that OHA should also serve as a Co-Trustee to ensure that Native Hawaiians would have a more effective voice in addressing issues relating to conservation, science, and history.

Consequently, on December 16, 2015, prior to the Native Hawaiian Proposal, the State of Hawai‘i had formally requested that the Administration amend the co-management agreement for the PMNM to include OHA as a Co-Trustee with the State of Hawai‘i, Department of Commerce, and the Department of the Interior. (See Exhibit D, Ige Request for OHA Co-Trustee Status.) Upon learning of the Native Hawaiian Proposal, OHA began advocating that any expansion proposal should elevate it to Co-Trustee status as requested by Governor Ige.

**Reactions—Community Leaders.** Faced with divided support and opposition among stakeholders, community leaders questioned the Native Hawaiian Proposal. Some initially wrote letters to oppose the proposal including Senator Kouichi who sent a letter on April 28, 2016, and

Mayor Carvalho who sent his letter on May 5, 2016. Additionally, 30 members of the Hawai'i State House of Representatives wrote a letter opposing the Native Hawaiian Proposal on May 3, 2016. (See Exhibits E, F, and G, Initial Kouchi Letter, Initial Carvalho Letter, and House of Representatives Letter, respectively.)

Others, such as myself, were undecided because we could see the potential benefits of expansion—provided we could address stakeholder concerns. As a result, on March 23, 2016, I wrote to President Obama and requested that he send officials from his Administration to meet with key stakeholder groups in Hawai'i. (See Exhibit H, Initial Schatz Letter.) On April 14, 2016, President Obama notified me that his Administration would honor my request, and I made a public statement recognizing the promise of expansion, but reiterating the concerns my constituents had expressed to me:

For Hawai'i to support the proposed expansion, the new boundaries of the PMNM will have to make sense. Residents of Kaua'i and Ni'ihau have a strong interest in maintaining their longstanding culture of fishing, and I am prepared to stand with them to ensure their continued, unchanged access to their fishing grounds. In addition, Hawai'i has a long tradition of recreational and subsistence uses of the ocean including fishing, diving, canoe paddling, and sailing. Finally, Hawai'i's longline fleet has a history of fishing in the Northwestern Hawaiian Islands. The responsible and sustainable practices of our longline fleet have resulted in Honolulu becoming one of the nation's ten most productive fishing ports. Any expansion of the boundaries of the PMNM will have to satisfactorily take these activities into account.

Equally important, the PMNM holds special significance for Native Hawaiians, and the Office of Hawaiian Affairs (OHA) has made a request for an enhanced role in governance of the monument. I support OHA's request for an enhanced role in governance, and I believe that an expansion declaration presents an ideal opportunity to address this issue.

Finally, expanding the PMNM will create vast opportunities to better understand the unique ecology of our Hawaiian Archipelago, but this can only occur if sufficient funding exists for research, conservation, and management in an expanded PMNM. Although the current fiscal climate limits the availability of federal funding, I believe that environmental groups, philanthropic organizations, corporations and individuals would consider significant financial commitments to support the expansion of the PMNM. I am prepared to work with President Obama and his administration to explore these options.

Provided these issues can be addressed to the reasonable satisfaction of interested Hawai'i stakeholders, I am prepared to support the expansion.

(See Exhibit I, Initial Schatz Statement.)

Senator Kouchi, Mayor Carvalho, the State House Representatives and I all made our statements in the March to early May time frame as the need for engagement regarding the Native Hawaiian Proposal became more evident. There was no guarantee that input from Hawai'i stakeholders and residents would lead to an acceptable expansion proposal, but one thing was clear: without giving concerned parties an opportunity to engage, expansion should not occur.

**A Balanced Proposal.** As a result of my request, the President sent representatives from his Council on Environmental Quality (CEQ), NOAA, Department of the Interior, and the U.S. Navy to meet with a large number of stakeholders and government officials, including:

- State Senator Ron Kouchi, and other members of the State Legislature who represent Kaua'i
- Representative Chris Lee and other members of the State Legislature
- Open meeting with the Hawai'i Longliner Association
- Hawai'i Department of Land and Natural Resources (DLNR)
- Office of Hawaiian Affairs
- Governor David Ige
- Tim Johns, WCPFC Commissioner
- Honolulu Mayor Kirk Caldwell
- Nainoa Thompson, Polynesian Voyaging Society, and co-author of the Native Hawaiian Proposal
- Western Pacific Regional Fishery Management Counsel
- Scientists, fishermen, and conservationists convened by the PMNM Cultural Working Group
- PACOM and PACFLT.

The Administration officials confirmed that my letter to the President had appropriately identified the three key areas of concern for stakeholders:

- The boundaries of the expansion and its potential impacts on fishing;
- The role of Native Hawaiians in the governance of the PMNM; and
- Resources to manage, enforce, and study the PMNM.

The boundaries were a particularly difficult issue because of the lack of data on exactly where the longline and small boat fisheries actually fished in the proposed expansion area, and how much they actually caught. By working closely with NOAA and the State of Hawai'i, however, my office received maps that answered those questions. (See Exhibits J and K, Longliner Use of

Proposed Expansion Area, prepared by NOAA; and Small Boat Fishery Use of Proposed Expansion Area, prepared by DLNR, respectively.)

To find the right balance, my office then engaged with everybody that CEQ had consulted with and more including fishermen from the small boat fishery, national recreational fishing groups, and community and business leaders throughout the state. By talking through these difficult issues with a variety of stakeholders, I formulated my own proposal, which I sent to President Obama on June 16, 2016. (See Exhibit L, Schatz Proposal.) It differed significantly from the Native Hawaiian Proposal because I wanted to protect the small boat fishery and to provide limited access for the commercial fishery.

To accomplish this, I proposed a sharp cut-off for expansion at 163° West Longitude. This cut-off would exclude the areas used by the small boat fishery from expansion and allow the longliners access to the same area as well. Under the Native Hawaiian Proposal, the longliners would have lost access to an area amounting to approximately 9.2% of their catch, while my boundary proposal reduced this loss to approximately 6.5% of their catch.

I also joined Governor Ige's request for OHA to become a co-trustee for the PMNM in my proposal to ensure Native Hawaiians would have a voice in managing this region. I recognized the challenge of finding resources to support managing such a huge area, and expressed my hope that the ambitious scale of the proposal would inspire commitments from federal and state government and philanthropic organizations as well. I then asked the President to conduct public meetings to solicit comments to improve my proposal.

**Reactions.** Because of the amount of time and care taken in preparing my proposal, numerous community leaders responded positively. Some, like Governor Ige, appreciated the merits of my proposal, but wanted to see the results of the public meetings I had requested. He provided this statement on June 16, 2016, the day I announced my proposal:

Like the Polynesians who first settled these islands, we can balance the management of this unique natural habitat and its historic artifacts with the needs of the human population. Sen. Schatz has addressed many of the concerns I've heard about the expansion of the Papahānaumokuākea Marine National Monument, and has proposed reasonable accommodations for local fishers who are helping to feed our families. I look forward to the public process as it moves forward.

(See Exhibit M, Schatz Press on Expansion Proposal.)

Shortly after I announced my proposal, Hawai'i's two publications of record gave their support. On July 1, 2016, the Honolulu Star Advertiser published its editorial, "*Larger Marine Preserve Makes Sense*," and Civil Beat followed suit on July 8, 2016, with its own editorial, "*Expanding*



*Marine Preserve Is the Pono Thing To Do.”* (See Exhibits N and O, *Star Advertiser* Support for Schatz Proposal, and *Civil Beat* Support for Schatz Proposal, respectively.)

On August 1, 2016, OHA also endorsed my proposal because it recognized the cultural significance of the PMNM to Native Hawaiians, established their role in managing the PMNM, and protected the small boat fishery. (See Exhibit P, OHA Statement on Papahānaumokuākea)

On August 1, 2016, U.S. Senator Mazie Hirono made her public statement on the proposed expansion, and she had a similar perspective to Governor Ige. Like all of us, Senator Hirono had heard strong opinions both for and against expansion, and she was anxious to learn what people had to say about my proposal. (See Exhibit Q, Initial Hirono Statement.)

By early August, the following elected officials had also announced their support for my proposal:

#### Mayors

- Kaua‘i Mayor Bernard Carvalho
- Hawai‘i County Mayor Billy Kenoi
- Maui County Mayor Alan Arakawa

#### State Senators

- Senator Ron Kouchi, President of the Senate, District 8
- Senator Laura Thielen, District 25
- Senator Russell Ruderman, District 2
- Senator Michael Gabbard, District 20
- Senator Josh Green, District 3
- Senator Gil Riviere, District 23
- Senator Maile S.L. Shimabukuro, District 21
- Senator Gilbert S.C. Keith-Agaran, District 5
- Senator Roz Baker, District 6
- Senator Willie Espero, District 19

#### Hawai‘i State Representatives

- Representative Chris Lee, District 51
- Representative Cynthia Thielen, District 50
- Representative John Mizuno, District 28
- Representative Kaniela Ing, District 11
- Representative Matthew LoPresti, District 41
- Representative Jarrett Keohokalole, District 48

- Representative Angus L.K. McKelvey, District 10
- Representative Nicole Lowen, District 6.

**Additionally, out of the 30 Hawai'i State House Representatives who had opposed the Native Hawaiian Proposal in their May 3, 2016, letter, only a handful submitted public comments opposing my proposal. Besides these few state house representatives, no member of the Hawai'i State Senate or any other elected federal, state, or county official from Hawai'i submitted public comments in opposition to my proposal.**

**Public Comments.** As requested in my proposal, the Administration held two open meetings in Hawai'i to give the public a meaningful opportunity to provide input. These meetings were held on O'ahu and Kaua'i, and written comments were also accepted on O'ahu, Maui and Hawai'i Island to accommodate individuals who were unable to attend in person. The input received was overwhelmingly positive: by NOAA's count, the Administration received a total of 6,673 written comments in support of the Schatz proposal and only 74 against. (See Exhibit R, NOAA Summary of Comments.)

**Presidential Proclamation 9478.** After receiving the public comments, the Administration took the time to consider the matter carefully, and on August 26, 2016, the President issued Proclamation 9478, expanding the PMNM under substantially the same terms that I proposed. The Proclamation also recognized that recreational fishers should have access to the expanded area.

A number of notable leaders and groups changed their previous positions and lent support to the Proclamation because it demonstrated that the Administration had respectfully listened to stakeholders and acted on their concerns:

- Governor David Ige
- Senator Mazie Hirono
- State Senator Ron Kouchi
- Kaua'i Mayor Bernard Carvalho
- State Representative Angus McKelvey
- State Representative and Vice Speaker John Mizuno
- American Sportsfishing Association

(See Exhibits S-Y, Governor Ige Letter; Second Hirono Statement; Second Kouchi Letter; Second Carvalho Letter; McKelvey Statement; Mizuno Letter; and American Sportsfishing News Release, respectively.)

The expansion was celebrated at the International Union for the Conservation of Nature's (IUCN) World Conservation Congress (WCC), which was convened in Hawai'i in September, 2016, as a significant demonstration of leadership by the United States.

## **SCIENCE AND CULTURE**

The scientific case for expanding the PMNM developed from lessons learned over the ten years of managing the PMNM with its original boundaries as established in 2006. Science showed that 50 nautical miles was a solid first step, but that protection out to the full 200 nautical miles of the U.S. Exclusive Economic Zone was warranted—both to protect the Hawaiian Archipelago, and to provide an area that could help maintain the health of the Pacific Ocean as a whole. Over 1500 scientists participating in the International Coral Reef Symposium endorsed this position in a letter dated June 24, 2016. (See Exhibit Z, Scientists’ Letter.)

The expansion area also preserves the seascape originally experienced by Native Hawaiians, and protects the war graves from the Battle of Midway. For this reason, the Navy Historical Foundation expressed its support for the Schatz Proposal in a letter dated July 27, 2016. (See Exhibit AA, Navy Historical Foundation Letter.)

**Tuna Conservation.** Bigeye tuna—the mainstay of Hawai‘i’s profitable longline fishery—has been recognized as subject to overfishing by NOAA Fisheries, so it is imperative to take immediate action to recover the stock. Bigeye tuna forage, breed, and mature outside the 50 nautical mile boundary of the original PMNM, and increasing the area where they are protected will provide greater opportunities for them to mature and reproduce to replenish the stock.

**Endangered Species.** The Northwestern Hawaiian Islands are home to approximately 95% of the remaining 1,100 wild Hawaiian monk seals, 90% of Hawaiian green sea turtles, and 98% of Laysan albatross. The ranges and feeding habits of these animals may differ, but they are interlocked with the health of the ocean—and an expansion to 200 nautical miles provides the best support possible to maintain healthy populations of the prey species they depend on for survival.

**Coral.** Coral was a major focus of the original PMNM declaration, but advances in the science since that time indicate that the original 50 nautical mile boundary provides inadequate protection. For the corals themselves, NOAA recently found a black coral estimated to be more than 4000 years old in the expansion area. Other researchers are finding evidence that suggests that coral polyps spend a part of their life cycle in the waters within the expansion area.

**Sharks.** Current statistics on shark bycatch show that the longline fleet catch one shark for every two tuna—roughly 10,000 per year. Due to the low reproductive rate and slow life cycle of this apex predator, this level of capture is a major threat to shark populations.

## **ECONOMIC IMPACTS**

The expansion of the PMNM had potential impacts for Hawai‘i’s tourism and fishing industries, but due to careful consultation and engagement, few if any negative impacts are expected, and, in fact, Hawai‘i’s economy will likely benefit in the short and long term as a result of expansion.

**Tourism.** Hawaii will directly benefit from tourism, conferences, and research opportunities related to the expansion of PMNM. For example, in the summer of 2016, Honolulu hosted the International Coral Reef Symposium in July, which resulted in approximately \$9.4 million in visitor-related spending. In September, 2016, Honolulu hosted the World Conservation Congress, which resulted in approximately \$37.7 million in visitor-related spending and \$3.6 million in tax revenues.

**Longline Fishery.** NOAA consistently reports Honolulu as one of the nation’s top ten productive seaports for fish landings. Hawai‘i’s most lucrative fishery by far is its longline fishery for bigeye tuna, which produces sashimi-grade tuna that is prized all over the world.

As noted previously, bigeye quota is set by the WCPFC, and the historic catch data demonstrate that Hawai‘i’s longline fishery routinely reaches its quota before the end of the season, which coincides with the calendar year. This timing is particularly impactful for Hawai‘i residents because bigeye tuna features prominently on holiday tables.

In order to ensure supply from Thanksgiving to New Year’s Eve, the Hawai‘i delegation and NOAA worked together to allow the fishery to purchase additional unused quota from the U.S. Pacific territories: Guam, the Commonwealth of the Northern Marianas Islands (CNMI), and American Samoa. The following chart, prepared with data from NOAA, summarizes quota usage from 2012 – 2016:

<b>Year</b>	<b>Bigeye Quota</b>	<b>Date of Closure</b>	<b>Additional Tonnage Used by Longliners</b>
2016	3,761 MT	7/22/16	894 MT—CNMI 939 MT—Guam
2015	3,462 MT	8/5/15	999 MT—CNMI 856 MT—Guam
2014	3,823 MT	11/15/14	1000 MT—CNMI
2013	3,654 MT	No closure	492—CNMI
2012	3,660 MT	No closure	771—American Samoa



The historical data show that the fishery has reached its WCPFC quota earlier and earlier in the year. Historical data also show limited use of the expansion area by the longline fishery. (See Exhibit J, Longline Use of Proposed Expansion Area, prepared by NOAA.) Accordingly, the economic impact arguments advanced by the longliners are specious on their face.

In fact, based on my conversations with the fishing industry this year, the expansion seems to have helped them as expected. By slowing the pace of their catch slightly—they are expected to reach quota in September—bigeye prices have risen, and they are expecting 2017 to be their most profitable year ever.

**Small Boat Fishery.** A significant amount of fish consumed by Hawai'i families comes from our small boat fishing fleet. After extensively consulting with DLNR, I determined that the small boat fleet does not fish west of 163° West Longitude, and I proposed that boundary to the President. The President adopted my suggestion, and therefore, expansion has had no impact on Hawaii's small boat fishing fleet.

## CONCLUSION

The decision to expand the PMNM was not made lightly. In fact, many community leaders—myself include—had reservations. By engaging with concerned stakeholders, however, we found a path forward to align economic, scientific, cultural, and historical interests and to advance an expansion proposal that made sense.

Now with the expansion in place, I can report further progress. OHA announced that it became a full Co-Trustee of the PMNM upon the execution of a formal agreement on January 12, 2017. (See Exhibit BB, OHA Co-Trustee Press Release.) I also understand that the expansion has inspired a pledge of \$500,000 from an interested philanthropist, and that the National Fish and Wildlife Foundation is working to finalize the details for use of these funds.

I am proud of Hawai'i's leadership in ocean and coastal conservation, and I believe the expansion of the PMNM can serve as a model for how to do the right thing the right way.

Sincerely,



BRIAN SCHATZ  
United States Senator

# Papāhanaumokuākea Expansion



## Exhibit Documents

**Senator Brian Schatz**

## EXHIBIT A

January 29, 2016

The Honorable Barack Obama  
President of the United State of America  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, DC 20500

Dear Mr. President:

We trust you had a pleasant holiday in Hawai‘i with the First Family and were able to rejuvenate for the New Year. Today we write to you in regards to the critical state of our oceans and an important action you can take as President that will guarantee a healthier planet for future generations – expansion of Papahānaumokuākea Marine National Monument.

As you may know, in 2000 President Bill Clinton created the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve and in 2006 President George W. Bush established Papahānaumokuākea as a fully protected marine reserve, the largest of its kind on the planet at the time. In 2016, the 10<sup>th</sup> anniversary of Papahānaumokuākea’s creation, you have the opportunity to continue this bi-partisan tradition of conservation by expanding the monument. This single action will provide added protection for the area’s incredible natural and cultural heritage and will once again recognize Papahānaumokuākea as the largest protected area on Earth. Of important note, our recommendation requests that the waters surrounding the two Hawaiian Islands of Ni‘ihau and Kaua‘i remain outside of monument boundaries.

The name Papahānaumokuākea commemorates the union of two Hawaiian ancestors – Papahānaumoku and Wākea – who gave rise to the Hawaiian Archipelago and our people. Native Hawaiians remain deeply connected to the Northwestern Hawaiian Islands and surrounding waters on genealogical, cultural and spiritual levels.

The Northwestern Hawaiian Islands are a unique and generally isolated ocean gem. Consisting of the world’s oldest and longest volcanic chain, this part of the Hawaiian Archipelago includes environments that represent different stages of island and seamount formation and evolution. As such, the area includes a diverse set of habitats that reach ocean depths of greater than 15,000 feet below sea level.

Within this diverse and primarily isolated habitat of the region, there are more than 7,000 marine species, and scientists estimate that more than a quarter of those are endemic. The area is one of the few remaining predator-dominated ecosystems in the world, with strong populations of sharks, Hawaiian grouper and other large predatory fish that have been heavily overfished



elsewhere. Apex predators represent more than half of the biomass in the Northwestern Hawaiian Islands, compared with 3% in the main Hawaiian Islands.

While the current boundary of Papahānaumokuākea includes vital habitat for a number of species, it does not fully protect habitat and travel routes for several species including Hawaiian Monk Seals, green sea turtles, sharks, whales, Black-footed and Laysan Albatrosses as well as other species. Additionally, large, fully protected marine reserves and sanctuaries are more resilient to climate change and therefore have emerged as important to mitigating the impacts of our warming planet.

Mr. President, as an island boy from Hawai‘i, we trust that you understand the significance of the ocean to our islands. Mahalo for your time and we look forward to discussing the expansion of Papahānaumokuākea Marine National Monument with your office in the coming months.

With Aloha,

William Aila, Jr.

Kaleo Manuel

Kamana‘opono Crabbe, Ph.D.

Victoria Holt Takamine

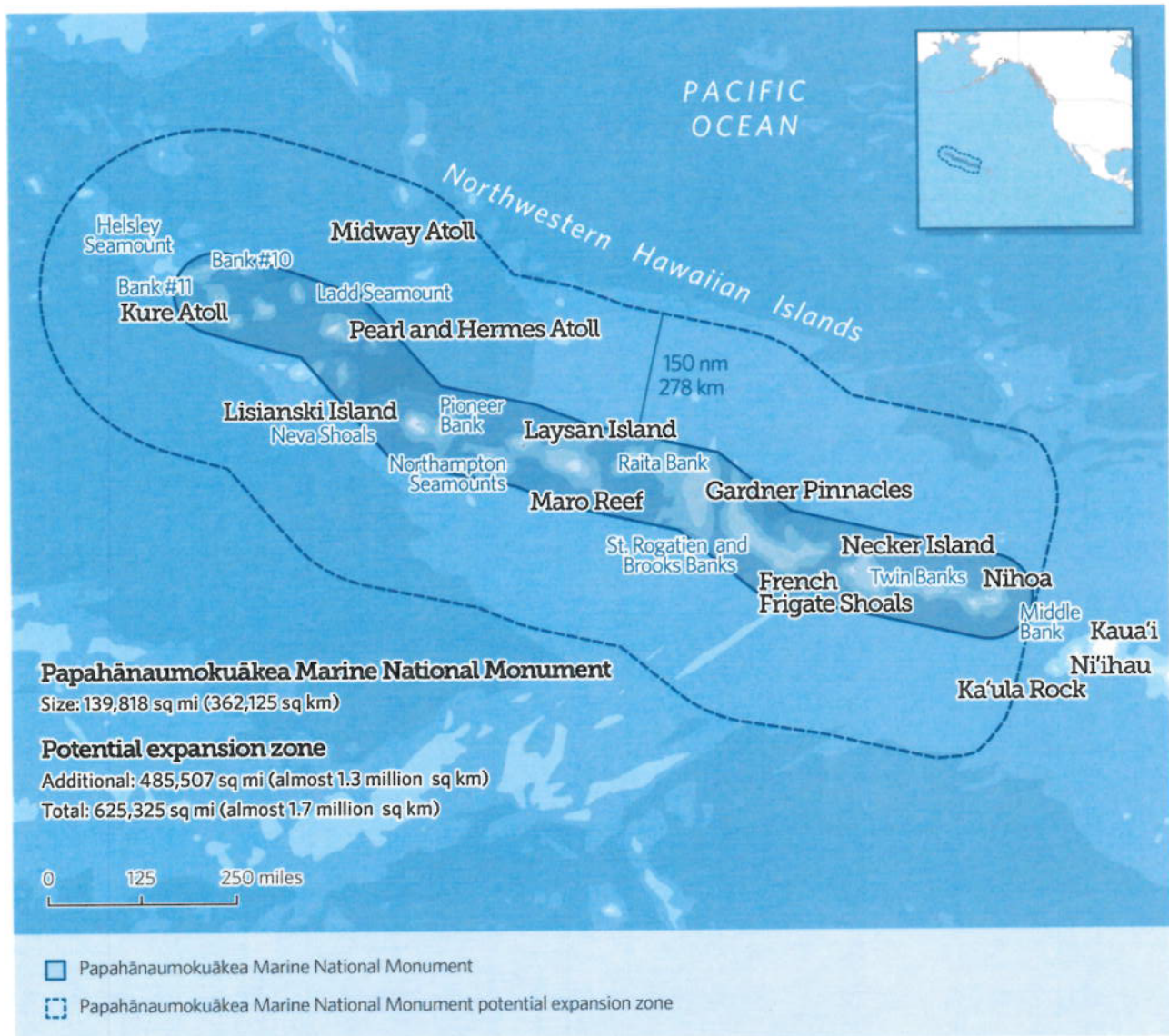
Isaac "Paka" Harp

Nainoa Thompson

Kekuewa Kikiloi, Ph.D.

## EXHIBIT B

# Native Hawaiian Proposal for Papahānaumokuākea Marine National Monument Expansion



## EXHIBIT C



**Sen. Schatz's office - Hawai'i Bigeye quota information**  
May 15, 2017

**Response:**

In order to response to this request, we needed to modify the table to include all of the necessary information:

**US Longline Fisheries (Excluding Territorial Fisheries) -- Western & Central Pacific**

Year	US WCPO Bigeye Tuna Catch (mt) <sup>1</sup>	Date of Closure or Date Limit was reached	Overage	WCPFC Bigeye Limit (after overage adjustment) (mt)	Additional Tonnage Approved (mt) <sup>2</sup>	Amount of Additional Limit Caught and Attributed to Territory <sup>3</sup>	Date Fishery for Additional Limit Closed
2016	3,761	7/22/2016	207	3,554	2,000 CNMI 2,000 Guam 2,000 Am. Samoa	884 CNMI 939 Guam 0 A. Samoa	12/1/2016 12/31/2016 na
2015	3,462	8/5/2015	-	3,502	2,000 CNMI 2,000 Guam 2,000 Am. Samoa	999 CNMI 856 Guam 0 A. Samoa	11/30/2015 12/31/2015 na
2014	3,823	11/15/2014	52	3,763	2,000 CNMI 2,000 Guam 2,000 Am. Samoa	1,000 CNMI 0 Guam 0 Am. Samoa	12/31/2014 na na
2013	3,654	Fishery did not reach the limit due to agreement with CNMI <sup>4</sup>	-	3,763	Unlimited CNMI	492 CNMI 0 Guam 0 Am. Samoa	12/31/2013 na na
2012	3,660	Fishery did not reach the limit due to agreement with American Samoa	-	3,763	Unlimited Am. Samoa	0 CNMI 0 Guam 771 Am. Samoa	na na 12/31/2012

<sup>1</sup> Includes catch by vessels with American Samoa permit fishing in the U.S. Exclusive Economic Zone (EEZ) around Hawaii. In accordance with 50 CFR 300.227, catch does not bigeye tuna caught by American Samoa permitted vessels fishing in the U.S. EEZ around American Samoa or on the high seas.

<sup>2</sup> In 2012 and 2013, Congress authorized territories to allocate an unlimited amount bigeye tuna to U.S. fishing vessels under Section 113(a) of the Consolidated and Further Continuing Appropriations Act. Starting in 2014, NOAA authorized additional limit under fishery ecosystem plan for pelagic fisheries and implementing Federal regulations. Under each authority, NOAA approved an additional 2,000 mt for each U.S. territory, and authorized each territory to attribute up to 1,000 mt to U.S. vessels in a valid specified fishing agreement.

<sup>3</sup> Not every territory executed a valid specified fishing agreement each year.

<sup>4</sup> In 2012 and 2013, NMFS began attributing BET to a territory 7 days in advance of the date NMFS projected the U.S. BET limit would be reached. As a result, the U.S. BET limit was not reached in 2012 or 2013. Also, Section 113 did not require limits on allocation, thus, a territory was free to allocate an unlimited amount of BET to the U.S. The attribution date is what limits the amount of BET that can be attributed as attributions begin late in the calendar year and ends December 31.

**US Longline Fisheries -- Eastern Pacific**

Year	IATTC Bigeye Limit (mt) for vessels > 24 m	Date of Closure or Date Limit was reached	Additional Tonnage Approved by NOAA (mt)
2016	500	7/25/2016 reopened 10/4/2016	0
2015	500	8/12/2015	0
2014	500	10/31/2014	0
2013	500	11/11/2013	0
2012	500	Fishery did not reach the limit	0

## EXHIBIT D



OFFICE OF THE GOVERNOR  
STATE OF HAWAII  
STATE CAPITOL  
HONOLULU, HAWAII 96813

December 16, 2015

Secretary Sally Jewell  
U.S. Department of the Interior  
1849 C Street, NW  
Washington DC 20240

Secretary Penny Pritzker  
U.S. Department of Commerce  
Herbert C. Hoover Building  
1401 Constitution Ave NW  
Washington DC 20230

Dear Secretary Jewell and Secretary Pritzker:

I am writing to ask for your support in amending the 2006 Memorandum of Agreement (MOA) related to the management of the Papahānaumokuākea Marine National Monument (PMNM) to include the Office of Hawaiian Affairs (OHA) as a Co-Trustee for the monument. The MOA established functional relationships between the Co-Trustees to effectively coordinate and carry out co-management actions through a Senior Executive Board and the Monument Management Board. The Office of Hawaiian Affairs was established by the State Constitution as the principal public agency in Hawai'i responsible for the development, coordination, and performance of programs and activities relating to Native Hawaiians. While OHA is a state agency, it is a semi-autonomous state agency that is separate from the executive branch of the State of Hawai'i.

OHA currently holds a position on the Monument Management Board and for nearly nine years, has been an instrumental participant, bringing resources as well as strong cultural perspective to management that makes Papahānaumokuākea a unique and important blend of natural and cultural resource protection that is the fundamental integrated identity of Hawaii. OHA has clearly demonstrated their commitment by dedicating several full-time staff and funding to assist with managing the monument. This past summer, OHA fully funded several trips to the monument for cultural events, activities and traditional practices integrated with conventional research. In addition to this, OHA assets were utilized to live stream and televise some of the events, sharing the important work being done related to the monument with the world. It is therefore appropriate and just that OHA share the co-trustee role at the highest level of management. Attached is a copy of the proposed amendments for your review and consideration. The proposed amendments are limited to the following changes:

1. Inclusion of the Office of Hawaiian Affairs as a Co-trustee.
2. An update to the monument's name, Papahānaumokuākea Marine National Monument, to be consistent with Presidential Proclamation 8112 (72 FR10031, March 6, 2007).



I respectfully ask for your consideration of these limited modifications. With PMNM approaching its 10<sup>th</sup> Anniversary in June 2016 and Hawai'i hosting the International Union for Conservation of Nature (IUCN) World Conservation Congress in September 2016, finalizing this proposed amendment to place the Native Hawaiian voice at the Co-Trustee level will send a strong message about the rightful place for indigenous peoples in the management of conservation areas. Should you have any questions or concerns, please feel free to contact me directly at (808) 586-8201. I look forward to hearing from you.

Sincerely,



DAVID Y. IGE  
Governor, State of Hawai'i

cc: The Honorable Mazie K. Hirono, United States Senate  
The Honorable Brian Schatz, United States Senate  
The Honorable Tulsi Gabbard, United States House of Representatives  
The Honorable Mark Takai, United States House of Representatives  
Office of Hawaiian Affairs Chief Executive Officer, Kamana`opono Crabbe  
Office of Hawaiian Affairs Board of Trustees Chair, Robert Lindsey

**AMENDMENT NO. 1**

**MEMORANDUM OF AGREEMENT  
AMONG THE**

**STATE OF HAWAI'I  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

**AND THE  
STATE OF HAWAI'I  
OFFICE OF HAWAIIAN AFFAIRS**

**AND THE  
U.S. DEPARTMENT OF THE INTERIOR  
U.S. FISH AND WILDLIFE SERVICE**

**AND THE  
U.S. DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

**FOR**

**PROMOTING COORDINATED MANAGEMENT OF PAPAHĀNAUMOKUĀKEA THE  
NORTHWESTERN HAWAIIAN ISLANDS MARINE NATIONAL MONUMENT**

## I. BACKGROUND

- A. The President established the Papahānaumokuākea ~~the Northwestern Hawaiian Islands~~ Marine National Monument (Monument) on June 15, 2006, to protect the scientific and historic resources of the Northwestern Hawaiian Islands (NWHI). The purposes and management regime for the Monument, as well as restrictions and prohibitions regarding activities in the Monument, are set forth in Presidential Proclamation 8031 (71 FR 36443, June 26, 2006).
- B. The Monument encompasses a vast and remote chain of islands that is a part of the Hawaiian Archipelago and provides habitat for numerous species found nowhere else on earth. These islands represent a nearly pristine ecosystem where habitats upon which marine species depend include both land and water. This area represents the majority of the coral reefs found within the United States' jurisdiction and supports more than 7,000 marine species, of which at least one quarter are unique to the Hawaiian Islands chain. This diverse ecosystem is home to many species of coral, fish, birds, marine mammals, and other flora and fauna, including the endangered Hawaiian monk seal, the threatened green sea turtle, and the endangered leatherback and hawksbill sea turtles. Like the coral reefs, the islets are home to many plant and animal species found nowhere else in the world, including four endangered land birds, an endangered seabird, and 12 endangered plants. In addition, millions of central Pacific seabirds congregate on these islands to breed. The area is rich in history and represents a place of great cultural significance to Native Hawaiians. It is an area that must be carefully managed to ensure that the resources are not diminished for future generations. The Hawaiian Islands are also the most remote archipelago in the world. This isolation has resulted in the opportunity and need for integrated resource management of this vast and exceptional environment.
- C. The Secretary of Commerce, through the National Oceanic and Atmospheric Administration (NOAA), has primary responsibility regarding the management of the marine areas of the Monument, in consultation with the Secretary of the Interior. The Secretary of the Interior, through the United States Fish and Wildlife Service (USFWS), has sole responsibility for the areas of the Monument that overlay the Midway Atoll National Wildlife Refuge, the Battle of Midway National Memorial, and the Hawaiian Islands National Wildlife Refuge, in consultation with the Secretary of Commerce. Nothing in the Proclamation diminishes or enlarges the jurisdiction of the State of Hawai'i. The State of Hawai'i has primary responsibility for managing the State waters of the Monument. The State of Hawai'i through the Department of Land and Natural Resources has primary responsibility for the Kure Atoll portion of the Hawai'i State Seabird Sanctuary. The State of Hawai'i holds the State submerged and ceded lands of the NWHI in trust. The State of Hawai'i Office of Hawaiian Affairs (OHA) has primary responsibility for representing the interests of Native Hawaiians in the Monument ~~The Department of Land and Natural Resources (DLNR) will collaborate with the Office of Hawaiian Affairs~~



~~(OHA)~~ through the perpetuation of Hawaiian cultural resources ~~in the Monument~~, including the customary and traditional rights and practices of Native Hawaiians exercised for subsistence, cultural, and religious purposes under the Constitution of the State of Hawai'i, Article XII, Section 7.

- D. The areas subject to this Agreement are the lands and waters within the Monument. The Monument includes all lands and interest in lands owned or controlled by the Government of the United States in the NWHI, including emergent and submerged lands, and waters out to a distance of approximately 50 nautical miles from the islands. The Monument extends approximately 1200 nautical miles across coral islands, seamounts, banks, and shoals. The Monument includes a portion of State of Hawai'i waters, including the Northwestern Hawaiian Islands State Marine Refuge and the Kure Atoll portion of the Hawai'i State Seabird Sanctuary. The Monument also includes Midway Atoll National Wildlife Refuge/Battle of Midway National Memorial, Hawaiian Islands National Wildlife Refuge, and the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve.
- E. The United States and the State of Hawai'i recognize the importance of the Monument's healthy coral reef, marine, and terrestrial ecosystems to the cultural, economic, and biological future of the State of Hawai'i and the Nation as a whole. Both recognize that a well-managed terrestrial and marine environment in the NWHI is necessary to maintain the health and vigor of rare and protected species such as Hawaiian monk seals, sea turtles, seabirds, land birds, and plants, as well as to protect the other vital components of the ecosystem. The parties are collectively charged with protecting, conserving, and enhancing fish, plant, and wildlife habitats, including coral reefs and other marine and terrestrial resources in the NWHI. In order to protect the unique resources of these remote islands, the parties will manage the Monument in a manner that is free from exploitation and degradation due to human activities.

## II. PARTIES, PURPOSE AND SCOPE

- A. The Parties to this agreement are the State of Hawai'i, ~~the Office of Hawaiian Affairs~~, the U.S. Department of the Interior (DOI), and the U.S. Department of Commerce (DOC) (hereinafter collectively referred to as the Co-Trustees). This Memorandum of Agreement (Agreement) constitutes an agreement among the Co-Trustees to carry out coordinated resource management for the long-term comprehensive conservation and protection of the Monument.
- B. This Agreement establishes functional relationships to effectively coordinate management actions in this area among the Co-Trustees. This Agreement also provides the general terms and conditions under which the Co-Trustees will cooperate and manage the resources of the Monument.
- C. This Agreement also establishes objectives and responsibilities necessary for coordinated management activities in the Monument and is intended to provide the

framework for long-term comprehensive protection of the Monument. The Co-Trustees will focus on coordinating planning efforts, management priorities, and field operations in the Monument.

- D. The Co-Trustees will undertake coordinated, integrated management and protection that will result in comprehensive conservation of the ecosystems of the Monument in perpetuity. The Co-Trustees recognize that the Monument is also a place of special cultural significance for Native Hawaiians, which provides a unique opportunity to manage marine resources in a manner that honors the rich heritage of the Native Hawaiian culture. The Monument also is a place of more recent historical significance, including the Battle of Midway.
- E. Monument Vision, Mission, and Guiding Principles:
1. The Monument vision is that the health, diversity, and resources of the vast NWHI ecosystems and the wildlife they support - unique in the world - be protected forever.
  2. The Monument mission is to carry out seamless integrated management to achieve strong, long-term protection and perpetuation of NWHI ecosystems, Native Hawaiian traditional and customary cultural and religious practices, and heritage resources for current and future generations.
  3. The Monument guiding principles are to manage the Monument in a manner that, consistent with applicable law:
    - is consistent with the vision and mission;
    - recognizes that the resources of the NWHI are administered by the Co-Trustees for the benefit of present and future generations;
    - affirms that the NWHI and its wildlife are important, unique, and irreplaceable;
    - honors the significance of the region for Native Hawaiians;
    - honors the historic importance of the region;
    - incorporates best practices, scientific principles, traditional knowledge, and an adaptive management approach;
    - errs on the side of resource protection when there is uncertainty regarding impacts of an activity;
    - enhances public appreciation of the unique character and environment of the NWHI;
    - authorizes only uses consistent with Presidential Proclamation 8031 and other applicable laws;
    - coordinates with federal, state, and local governments; Native Hawaiians; relevant organizations; and the public; and carries out effective



outreach, monitoring, and enforcement to  
promote compliance.

### III. REFERENCES AND AUTHORITIES

The Co-Trustees are authorized to enter into this Agreement under various authorities most relevant to coordinated management, including:

- A. Antiquities Act, 16 U.S.C. § 431, *et seq.*
- B. Proclamation 8031 of June 15, 2006, 71 FR 36443 (June 26, 2006);
- C. Northwestern Hawaiian Islands Marine National Monument codifying regulations, 50 CFR Part 404 (2006);
- D. State of Hawaii Organic Act of April 30, 1900, c339, 31 Stat. 141 Section 2; and Hawaii Admission Act of March 18, 1959, Pub. L. 86-3, 73 Stat. 4 Section 2;
- E. Constitution of the State of Hawaii, Article XI, Sections 1, 2, 6, and 9; and Article XII, Section 7;
- F. Title 12, Chapter 171, Section 171-3, Chapter 183D, Section 183D-8, Chapter 187A, Section 187A-8, Chapter 188, Sections 188-37 and 188-53, Chapter 195D, Section 195D-5, and Chapter 199, Section 199-3, Hawaii Revised Statutes; and Title 13, Chapter 60.5 and Chapter 125 Hawaii Administrative Rules;
- G. National Marine Sanctuaries Amendments Act of 2000, Pub. L. 106-513 §6(g) (2000);
- H. Endangered Species Act of 1973, as amended, 16U.S.C. § 1531, *et seq.*;
- I. Marine Mammal Protection Act of 1972, 16U.S.C. § 1361, *et seq.*;
- J. Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. § 1801, *et seq.*;
- K. National Wildlife Refuge System Administration Act of 1966, as amended, 16 U.S.C. §§ 668dd-ee;
- L. Refuge Recreation Act, 16 U.S.C. § 460k-3;
- M. Fish and Wildlife Act of 1956, 16 U.S.C. § 742f;
- N. Fish and Wildlife Improvement Act of 1978, 16 U.S.C. § 7421;

#### IV. MONUMENT MANAGEMENT OFFICIALS AND RESPONSIBILITIES

- A. Senior Executive Board (SEB): The Co-Trustees hereby establish the SEB.
1. The SEB shall provide policy guidance to their respective agency staff assigned to carry-out Monument management activities.
  2. Responsible Officials: SEB Membership will consist of an appropriate senior level designee from each of the following (Co-Trustees will notify each other of appointed designee and upon change of designee):
    - a. State of Hawai'i Department of Land and Natural Resources
    - b. State of Hawai'i Office of Hawaiian Affairs
    - c. U.S. Department of the Interior
    - d. U.S. Department of Commerce
  3. The SEB shall be responsible for the following activities through the Monument Management Board (MMB):
    - a. Develop a management plan for ensuring the coordinated management of the coral reef ecosystems and related marine resources, terrestrial resources, and cultural and historic resources of the Monument, consistent with Proclamation 8031 and other applicable laws and regulations. To develop the management plan, the SEB shall modify, as appropriate, the plan developed by NOAA's National Marine Sanctuary Program through the public sanctuary designation process and provide for public review of that plan. The management plan should also maximize the efficient use of financial and human capital. Further, the SEB shall regularly review the implementation of the management plan and adjust the management framework as appropriate, consistent with applicable laws and policies.
    - b. Provide access and support for enforcement purposes, share enforcement resources and data, as appropriate, and develop joint enforcement capabilities as needed to ensure compliance with applicable State and Federal laws. Enforcement support may involve assistance from additional agencies such as the U.S. Coast Guard.
    - c. Coordinate research and monitoring efforts to better understand and address major threats to Monument resources. Initiate joint resource assessment, monitoring, and research activities including, but not limited to, population studies, species inventories and assessments, impacts from derelict fishing gear, and documentation of historic and cultural resources. Provide opportunities to participate in research activities initiated by each Co-Trustee, as appropriate. Coordinate

research, including permits required for management activities that further the recovery of threatened or endangered species and protect and/or restore biodiversity within the Monument.

- d. Develop a mechanism to access scientific and resource data, as needed, and, consistent with applicable law, a protocol to ensure the necessary confidentiality of certain information, such as fisheries data and the location of heritage resources.
- e. Provide support to identify locations of cultural and religious significance and for noncommercial Native Hawaiian practices, which may benefit the resources of the Monument and the Native Hawaiian community. Develop a protocol to protect sensitive, culturally significant, and religious locations while allowing permitted access.
- f. Manage recreational, educational, and commercial activities that may take place within the Monument consistent with Proclamation 8031.
- g. Identify and facilitate, as appropriate, coordination, consultation, and partnership opportunities regarding Monument management activities among Federal, State, and local governments. Native Hawaiians, the private sector, foreign governments, international organizations, and any other public or private persons or entities.
- h. Facilitate opportunities to participate in and collaborate on educational activities and projects between and among the Co-Trustees.
- i. Develop interagency agreements, grants, memoranda of understanding, or other appropriate instruments that allow for ease in sharing resources, including funds as appropriate, and a sharing of in-kind assistance and support such as the sharing of vessel time, aircraft missions, or other logistical support as a means of facilitating cooperative project opportunities. These more detailed agreements on specific issues will be signed at an appropriate level.
- j. Ensure appropriate monitoring of activities within the Monument. Develop a coordinated response program to assess and address human induced or natural threats to Monument resources.
- k. Enhance coordination by jointly issuing permits required for activities allowed under Presidential Proclamation 8031.

**B. Monument Management Board (MMB): The Co-Trustees hereby establish the MMB.**

- 1. The MMB will promote coordinated management of the Monument at the



field level.

2. Responsible Officials: MMB membership will consist of appropriate designees from the following entities (Co-Trustees will notify each other of appointed designee and upon change of designee):
    - a. State of Hawai'i, Department of Land and Natural Resources, Division of Aquatic Resources, Honolulu, HI
    - b. State of Hawaii, Department of Land and Natural Resources, Division of Forestry and Wildlife, Honolulu, HI
    - c. U.S. Fish and Wildlife Service, National Wildlife Refuge System, Honolulu, HI
    - d. U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, Honolulu, HI
    - e. National Oceanic and Atmospheric Administration, National Marine Sanctuary Program, Honolulu, HI
    - f. National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Honolulu, HI
    - g. State of Hawai'i, Office of Hawaiian Affairs, Honolulu, HI
  3. The Monument Management Board shall implement the activities set forth in Section IV.A.3.
  4. Whenever appropriate and practicable, the MMB will coordinate and consult with representatives of the U.S. Coast Guard, which provides enforcement support pertaining to laws and regulations regarding marine resources in the area.
- C. Interagency Coordinating Committee (ICC): The Co-Trustees hereby authorize the MMB to establish an Interagency Coordinating Committee (ICC) to assist in the implementation of Monument management activities set forth in Section IV.A.3. The MMB will request the participation of other Federal and State agencies to establish the ICC as it determines to be appropriate and necessary to seek additional input, or as subject to needs that may arise.

## **V. PERIOD OF AGREEMENT, MODIFICATION, OR TERMINATION**

- A. This Agreement becomes effective when all Co-Trustees sign it. The Co-Trustees shall review this Agreement at least every year to determine whether it should be modified or terminated.
- B. The Co-Trustees may modify this Agreement by written amendment only and with the concurrence of all Co-Trustees.

- C. The Co-Trustees may terminate this Agreement by mutual written consent. Any Co-Trustee may terminate its participation in this Agreement by giving the other Co-Trustees six months advance written notice.

## **VI. DISPUTE RESOLUTION**

If the members of the MMB disagree on an issue of Monument resource management, they shall present their differences to each other in writing, and they shall discuss them. The MMB should be the first body to attempt resolution of any disagreement. If the MMB fails to resolve their differences within 30 days after identification of the disagreement, or immediately upon determination that the MMB has reached an impasse, the matter shall be elevated to the SEB for resolution.

## **VII. OTHER PROVISIONS**

- A. Nothing in this Agreement shall be construed to conflict with applicable laws, or otherwise diminish authorities otherwise vested in the Secretaries of Commerce and Interior under federal law or the State of Hawai'i under state law. Any such conflicting term shall be invalid, but the remainder of the Agreement shall remain in effect. If a term is invalid, the Co-Trustees shall immediately review the Agreement to decide what should be done in light of the invalid term, e.g., amend or terminate the Agreement.
- B. This Agreement serves as the foundation for the entering into other agreements among the Co-Trustees and with agencies and other entities, as appropriate, and at a level appropriate to such agreement. Such agreements may be for the purpose of, among other things, the pursuit of research or training, supplementation of enforcement support or enter into cooperative enforcement agreements, data sharing, or increasing management capacity in the Monument. All such agreements shall be coordinated with the other Co-Trustees and may become annexes to this Agreement.
- C. The Co-Trustees intend to enter into an appropriate enforcement agreement to enhance enforcement of the Proclamation and implementing regulations. In the interim, pursuant to the authority of 16 U.S.C. 742/ (b) and Title 12, Chapter 199, Section 199-3, Hawaii Revised Statutes, NOAA and FWS and the State of Hawaii each hereby authorize the other to use without reimbursement their respective personnel, services and facilities to enforce the provisions of all applicable Federal and State laws within the boundaries of the Monument.
- D. This Agreement defines in general terms the basis on which the Co-Trustees will cooperate, and as such, does not constitute a financial obligation or an authorization for particular expenditures. Expenditures of funds, human resources, equipment, supplies, facilities, training, public information, and technical expertise are generally intended to be provided by each signatory Co-Trustee to the extent that their participation is required and resources are available.

- E. Nothing in this agreement is intended to require the expenditure of funds in excess or advance of applicable appropriations. This Agreement is not a fiscal or funds obligation document. Any activities involving reimbursement or contribution of funds between Co-Trustees to this Agreement will be handled in accordance with applicable laws, regulations, and procedures. Such activities will be documented in separate agreements, which will identify the specific projects between the Co-Trustees in appropriate detail. Such separate agreements should also reference this Agreement.

STATE OF HAWAII

\_\_\_\_\_  
Date:  
DAVID IGE  
Governor  
State of Hawaii

OFFICE OF HAWAIIAN AFFAIRS

\_\_\_\_\_  
Date:  
ROBERT K. LINDSEY, JR.  
Chairman, Board of Trustees  
Office of Hawaiian Affairs

U.S. DEPARTMENT OF THE INTERIOR

\_\_\_\_\_  
Date:  
SALLY JEWELL  
Secretary  
United States Department of the Interior

U.S. DEPARTMENT OF COMMERCE

Date:

\_\_\_\_\_  
PENNY PRITZKER

Secretary

United States Department of Commerce



## EXHIBIT E



## Office of the Senate President

STATE CAPITOL  
HONOLULU, HAWAII 96813

April 28, 2016

President Barack Obama  
The White House  
1600 Pennsylvania Ave., NW  
Washington, DC 20500

Dear President Obama:

I am informed that a group of Hawaii residents are seeking to have you expand the Papahānaumokuākea Marine National Monument (hereinafter referred to as "Monument") and as the Hawaii State Senator representing the islands of Kauai and Niihau, my constituents would be the most affected by any such expansion. Please accept this as a request to not expand the Monument, as a proposed expansion of the Monument will have an adverse effect on my constituents, the Hawaii commercial fishing industry and individual Hawaii subsistence fishermen.

As you are aware, the Northwestern Hawaiian Islands Marine National Monument was established on June 15, 2006 by Presidential Proclamation 8031 and was officially designated as the aforementioned Monument in 2007. Currently, the Monument designates nearly 140,000 square miles as a protected marine area. The Monument overlays the fifty nautical mile Protective Species Zone of the Western Pacific Fishery Management Council.

The fishing and seafood industry is an integral part of Hawaii's culture, identity, and economy. The use restrictions that currently apply within the Monument's current boundaries have already eliminated 50% of Hawaii's bottom fish fishery, which consisted of 17 permits, including those dedicated to indigenous native Hawaiian fishing communities. As a direct result of the establishment of the Monument, Hawaii's bottom fish supply, which includes fish such as long tailed red snapper (onaga) and pink snapper (opakapaka), is now completely dependent upon individual Main Hawaiian Islands bottom fish fishermen and imported products.

The Hawaii long line fishery (deep set and shallow set) produces high-quality, domestic, safe and sustainable open ocean seafood for Hawaii's residents and visitors, as well as consumers in markets across the country. Hawaii's residents consume more than double the national average in seafood per capita, per year. The longline fishery produces fresh bigeye tuna (ahi), yellowfin tuna (ahi), swordfish (shutome, kajiki) and other market species such as dorado (mahimahi), wahoo

(ono), and moonfish (opah). Expansion of the Monument would result in at least an 8% reduction to the longline fishing industry. In 2013, the amount of fish produced by the longline industry was 27 million pounds, with a dockside value of approximately \$85.4 million dollars. An 8% reduction would represent a significant loss of approximately 2.20 million pounds, with a dockside value loss of approximately \$6.83 million dollars.

Nearly one-fourth of the waters surrounding the Hawaiian Islands are already designated as no-take marine protected areas, exceeding the 20% global standard for marine protected areas. The proposed expansion of the Monument would increase the no-take zone to 67% of the United States exclusive economic zone waters surrounding the Hawaii archipelago. That considerable increase – over 40% – has the potential to be devastating to Hawaii's already fragile fishing economy and food sustainability.

As an island state, Hawaii is dependent upon importing most of its consumable commodities, with the exception of seafood. Currently, seafood self-sufficiency in Hawaii is currently around 37% with Hawaii residents consuming an average of 36.9 pounds of seafood per year, while the rest of the United States consumes an average of 14.4 pounds of seafood per year. In 2011, seafood was the number one Hawaii food crop earning some 87.5 million dollars. The proposed expansion of the Monument with a prohibition on fishing in the expanded areas would result in a huge reduction in seafood for Hawaii.

In addition to the fact that there is no scientific or empirical data to support the claim that the current, already significant size of the Monument is insufficient to achieve its intended goal of preserving "historic or scientific interests", there are no facts or scientific determinations that the Monument needs to be increased because there are "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest" in the proposed expansion area that are necessary to be preserved as a national monument as required by the "Antiquities Act" (16 U.S.C. 431).

The Antiquities Act states that: "the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected". (Emphasis added.)

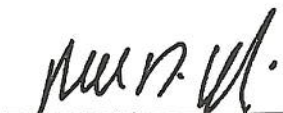
In compliance with the language of the Act, Presidential Proclamation 8031, asserted that: "[T]he Federal land and interests in land reserved includes approximately 139,793 square miles of emergent and submerged lands and waters of the Northwestern Hawaiian Islands, which is the smallest area compatible with the proper care and management of the objects to be protected."



Without sufficient evidence of "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest" in the entire proposed expansion of the Monument and a finding that the proposed expansion would be confined to the "smallest area compatible with the proper care and management of the objects to be protected", any such expansion could be interpreted to exceed the mandates of the Antiquities Act.

Thank you for your consideration of this request and if there are any questions with regard to the foregoing, please do not hesitate to contact this office.

Sincerely,



---

RONALD D. KOUCHI  
Senate President  
8<sup>th</sup> Senatorial District – Kauai and Niihau

cc: Brian Deese, Senior Advisor to the President, White House Executive Office  
Christy Goldfuss, Managing Director, White House Council on Environmental Quality  
The Honorable David Ige, Governor of the State of Hawai'i  
United States Senator Brian Schatz  
United States Senator Mazie Hirono  
United States Congresswoman Tulsi Gabbard  
United States Congressman K. Mark Takai  
Suzanne Case, Chair, Department of Land and Natural Resources, State of Hawai'i  
The Honorable Sally Jewell, Secretary of the Interior  
The Honorable Penny Pritzker, Secretary of Commerce  
Dr. Kathryn D. Sullivan, Under Secretary of Commerce of Oceans & Atmosphere and  
NOAA Administrator



## EXHIBIT F



May 5, 2016

The Honorable Barack Obama  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Mr. President:

Thank you for the opportunity to submit comments on the proposed expansion of the Papahānaumokuākea Marine National Monument (Monument) around the Northwestern Hawaiian Islands.

As you know, the County of Kauaʻi and its people will be most directly impacted by the expansion of the Monument as our islands are positioned the closest. The ocean that surrounds our islands sits at the core of our community's culture and livelihood – it is an integral part of our way of life.

I share the concern of many of my fellow elected officials and members of the fishing community who believe that expansion of the Monument would come at the detriment of our fishing and seafood industry which provides security and sustainability to our already-strained economy.

While we understand the importance of regulating and protecting our precious marine life, we have not been provided any research or evidence to validate the benefit of an expansion.

As the Mayor of Kauaʻi County, I humbly ask your consideration in maintaining the current boundaries of the Monument and to not further strain Hawaiʻi's fishing industry, which is both culturally and economically significant.

Mahalo nui loa,

**BERNARD P. CARVALHO, JR.**  
Mayor, County of Kauai

*An Equal Opportunity Employer*

DOI-2018-06 00044

## EXHIBIT G



## HOUSE OF REPRESENTATIVES

STATE OF HAWAII  
STATE CAPITOL  
HONOLULU, HAWAII 96813

May 3<sup>rd</sup>, 2016

The Honorable Barack Obama  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear President Obama:

As you know, the Northwestern Hawaiian Islands Marine National Monument was established on June 15, 2006 by Presidential Proclamation 8031 and was officially designated as the Papahānaumokuākea Marine National Monument (Monument) in 2007. Currently, the Monument designates nearly 140,000 square miles as a protected marine area. The Monument overlays the fifty nautical mile Protective Species Zone of the Western Pacific Fishery Management Council.

The fishing and seafood industry is an integral part of Hawaii's culture, identity, and economy. While we understand the intent of the creation of the Monument, we do not support any expansion of the size and scope of the Monument. The use restrictions that apply within the Monument's boundaries have already eliminated 50% of Hawaii's bottomfish fishery, which consisted of 17 permits, including those dedicated to indigenous native Hawaiian fishing communities. Hawaii's bottomfish supply, which includes fish such as onaga and opakapaka, is now completely dependent upon individual Main Hawaiian Islands bottomfish fishermen and import. This was a direct result of the declaration of the Monument.

The Hawaii longline fishery (deepset and shallowset) produces high-quality, domestic, safe and sustainable open ocean seafood for Hawaii's residents and visitors, as well as consumers in markets across the country. Hawaii's residents consume more than double the national average in seafood per capita, per year. The longline fishery produces fresh bigeye tuna (ahi), yellowfin tuna (ahi), swordfish (mekajiki), marlin (kajiki) and other famous market species such as dorado (mahimahi), wahoo (ono), and moonfish (opah). This industry would be reduced by at least 8% by this proposed expansion of the Monument, representing a significant loss to Hawaii. In 2013, the amount of fish produced by the longline industry was 27 million pounds, with a dockside value of approximately \$85.4 million dollars. An 8% reduction would represent 2.16 million pounds, with a dockside value of approximately \$6.83 million dollars, which is a significant amount for any industry.

Nearly one-fourth of the waters surrounding the Hawaiian Islands are already designated as no-take marine protected areas, which exceeds the 20% global standard for marine protected areas. The proposed expansion of the Monument would increase the no-take zone to 67% of the United States exclusive economic zone waters surrounding the Hawaii archipelago. That considerable increase – over 40% – has the potential to be devastating to Hawaii's already fragile economy.

As an island state, Hawaii has the ability to be on the leading edge of food security and sustainability. However, too much of our food, even seafood, remains imported. Seafood self-sufficiency in Hawaii is currently around 37% with Hawaii residents consuming an average of 36.9 pounds of seafood per year, while the rest of the United States consumes an average of 14.4 pounds of seafood per year. In 2011, seafood was the number one Hawaii food crop earning some 87.5 million dollars. The proposed expansion of the Monument with a prohibition on fishing in the expanded areas with a reduction in seafood for Hawaii would only exacerbate this problem.

There is no scientific or empirical data to support the claim that the current, already significant size of the Monument is not sufficient to achieve its intended goal. Additionally, the Monument was created by Presidential Proclamation authorized by section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), known as "the Antiquities Act", which states that "the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon lands owned or controlled by the Government of the United States to be national monuments,



TO: The Honorable Barack Obama  
May 3, 2016  
Page 2

and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected". Further, in Presidential Proclamation 8031, it was declared that: "The Federal land and interests in land reserved includes approximately 139,793 square miles of emergent and submerged lands and waters of the Northwestern Hawaiian Islands, which is the smallest area compatible with the proper care and management of the objects to be protected." Thus, without sufficient scientific and empirical data and evidence, this arbitrary expansion would be in direct violation of the Antiquities Act.

We, the undersigned Members of the Hawaii State Legislature, of the Twenty-Eighth Legislature 2016, humbly ask that you do not consider expanding the Northwestern Hawaiian Islands Marine National Monument because there is no scientific justification or conservation benefit in doing so. There is only the potential to do harm to Hawaii's economy, lifestyle, culture, and identity.

Aloha,

  
Speaker Joseph M. Souki

  
Representative Henry J.C. Aquino

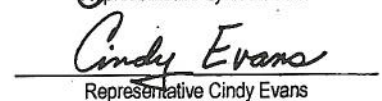
  
Representative Della Au Belatti

  
Representative Isaac W. Choy

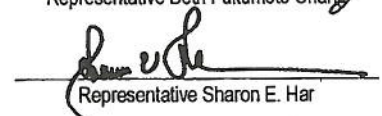
  
Representative Richard P. Creagan

  
Representative Ty J.K. Cullen

  
Representative Lynn DeCoite

  
Representative Cindy Evans

  
Representative Beth Fukumoto Chang

  
Representative Sharon E. Har

  
Representative Linda Ichihama

  
Representative Ken Ito

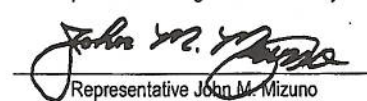
  
Representative Derek S.K. Kawakami

  
Representative Bertrand Kobayashi

  
Representative Sam Satoh Kong

  
Representative Bob McDermott

  
Representative Angus L.K. McKelvey

  
Representative John M. Mizuno

  
Representative Dee Morikawa

  
Representative Mark M. Nakashima

  
Representative Richard H.K. Onishi

  
Representative Marcus R. Oshiro

  
Representative Feki Pouha

  
Representative Calvin K.Y. Say

  
Representative Gregg Takayama

  
Representative James Kunane Tokioka

  
Representative Cliff Tsuji

  
Representative Gene Ward

  
Representative Ryan I. Yamane

  
Representative Kyle T. Yamashita

cc: Brian Deese, Senior Advisor to the President, White House Executive Office  
Christy Goldfuss, Managing Director, White House Council on Environmental Quality  
The Honorable David Ige, Governor of the State of Hawai'i  
Hawai'i State Senate  
Hawai'i Congressional Delegation  
Suzanne Case, Chair, Department of Land and Natural Resources, State of Hawai'i  
The Honorable Sally Jewell, Secretary of the Interior  
The Honorable Penny Pritzker, Secretary of Commerce  
Dr. Kathryn D. Sullivan, Under Secretary of Commerce of Oceans & Atmosphere and NOAA Administrator

DOI-2018-06 00047

## EXHIBIT H

## United States Senate

March 23, 2016

The Honorable Barack Obama  
President of the United States  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear Mr. President:

Local and national media have reported on a request made to you by several prominent Native Hawaiians to expand the Papahānaumokuākea Marine National Monument (PMNM). As you know, President Bush designated PMNM in 2009, and it is a place of significant ecological, economic, and cultural value.

I believe expansion of this area may further protect important objects of historic and scientific interest. It raises concerns, however, about the boundaries, governance, and resources for any expansion. Provided we work together to resolve these issues, I am prepared to join my constituents and formally request that you utilize your authorities under the Antiquities Act to expand the PMNM.

**Boundaries.** Hawai'i's longline fleet has a history of fishing in the Northwestern Hawaiian Islands. The responsible and sustainable practices of our longline fleet have resulted in Honolulu becoming one of the nation's ten most productive fishing ports. Hawai'i also has a long tradition of recreational and subsistence uses of the ocean including fishing, diving, canoe paddling, and sailing. I hope that you will consider these uses in determining the appropriate boundaries for any expansion of the PMNM.

**Governance.** The PMNM holds special significance for Native Hawaiians, and the Office of Hawaiian Affairs (OHA) has made a request for an enhanced role in governance of the monument. OHA made this request independent of any expansion proposal, and it rests on a foundation of long historic and cultural use of the Northwestern Hawaiian Islands by Native Hawaiians. I support OHA's request for an enhanced role in governance, and I believe that an expansion declaration presents an ideal opportunity to address this issue.

**Resources.** Expanding the PMNM will create vast opportunities to better understand this unique ecosystem. This can only occur, however, if sufficient funding exists for research, conservation,



and management in an expanded PMNM. The current fiscal climate, however, limits the availability of federal funding. I believe, however, that environmental groups, philanthropic organizations and individuals would consider significant financial commitments to support the expansion of the PMNM, and I recommend that you consider exploring these options as part of your deliberative process.

Before proceeding with any potential expansion of the PMNM, I believe it is critical that your Administration commence direct and meaningful engagement with Hawaii stakeholders who have an interest in this special place and its surrounding waters. I believe that a state visit by members of your team, as well as appropriate agency representatives, will go a long way towards a thorough and complete assessment of any PMNM expansion proposal.

My office stands ready to assist you and your staff toward productive meetings on these topics and developing an expansion proposal. I look forward to working together on this exciting opportunity.

Sincerely,



BRIAN SCHATZ  
United States Senator

cc: Christy Goldfuss, Managing Director, Council on Environmental Quality  
Sally Jewell, Secretary of the Interior  
Penny Pritzker, Secretary of Commerce  
Dan Ashe, Director, Fish and Wildlife Service  
Dr. Kathy Sullivan, Under Secretary of Commerce for Oceans and Atmosphere



## EXHIBIT I

## Schatz Initial Statement on Papahānaumokuākea Expansion

<http://www.schatz.senate.gov/press-releases/schatz-urges-administration-to-engage-with-hawaii-constituents-on-papahanaumokuakea-marine-national-monument>

# Schatz Urges Administration to Engage with Hawai'i Constituents on Papahanaumokuakea Marine National Monument

Thursday, April 14, 2016

WASHINGTON – In response to suggestions that President Obama should utilize his authorities under the Antiquities Act to expand the Papahanaumokuakea Marine National Monument (PMNM), U.S. Senator Brian Schatz (D-Hawai'i), a member of the Senate Commerce Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, recently wrote to the White House and urged that the administration send representatives to Hawai'i to meet with key leaders and stakeholders before making any final decision on this issue. The administration has assured Senator Schatz that it has not made any decisions regarding any potential expansion of the PMNM, and it will not do so until it has engaged directly with relevant Hawai'i constituents.

**“After meeting with interested Hawai'i residents and leaders, my office has identified three important issues for our State in considering any proposal to expand the PMNM: the new PMNM boundaries; the role of Native Hawaiians in PMNM governance; and funding for the scientific study and research of the PMNM,”** Senator Schatz said. **“At my request, the administration has agreed to engage with Hawai'i constituents to consider these issues, and I am grateful that the Obama Administration has responded positively.**

**“For Hawai'i to support the proposed expansion, the new boundaries of the PMNM will have to make sense. Residents of Kaua'i and Ni'ihau have a strong interest in maintaining their longstanding culture of fishing, and I am prepared to stand with them to ensure their continued, unchanged access to their fishing grounds. In addition, Hawai'i has a long tradition of**

recreational and subsistence uses of the ocean including fishing, diving, canoe paddling, and sailing. Finally, Hawai'i's longline fleet has a history of fishing in the Northwestern Hawaiian Islands. The responsible and sustainable practices of our longline fleet have resulted in Honolulu becoming one of the nation's ten most productive fishing ports. Any expansion of the boundaries of the PMNM will have to satisfactorily take these activities into account.

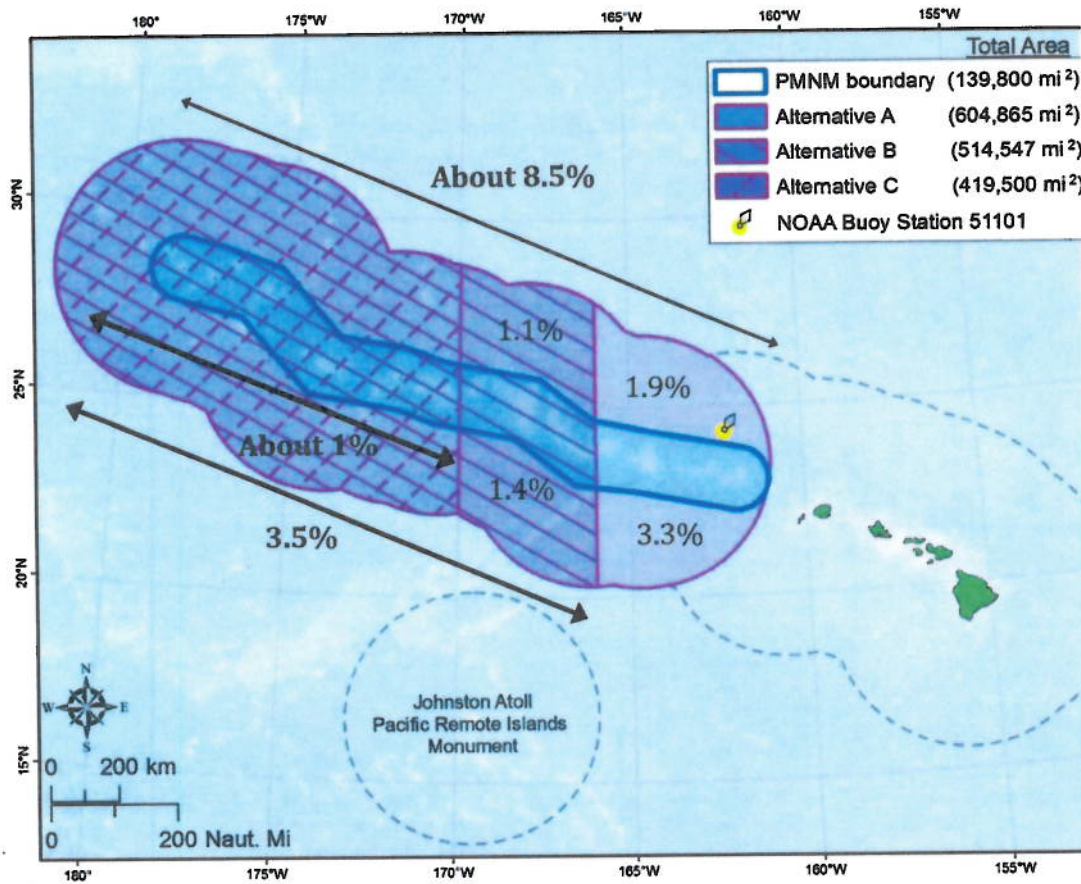
“Equally important, the PMNM holds special significance for Native Hawaiians, and the Office of Hawaiian Affairs (OHA) has made a request for an enhanced role in governance of the monument. I support OHA's request for an enhanced role in governance, and I believe that an expansion declaration presents an ideal opportunity to address this issue.

“Finally, expanding the PMNM will create vast opportunities to better understand the unique ecology of our Hawaiian Archipelago, but this can only occur if sufficient funding exists for research, conservation, and management in an expanded PMNM. Although the current fiscal climate limits the availability of federal funding, I believe that environmental groups, philanthropic organizations, corporations and individuals would consider significant financial commitments to support the expansion of the PMNM. I am prepared to work with President Obama and his administration to explore these options.

“Provided these issues can be addressed to the reasonable satisfaction of interested Hawai'i stakeholders, I am prepared to support the expansion.”

## EXHIBIT J





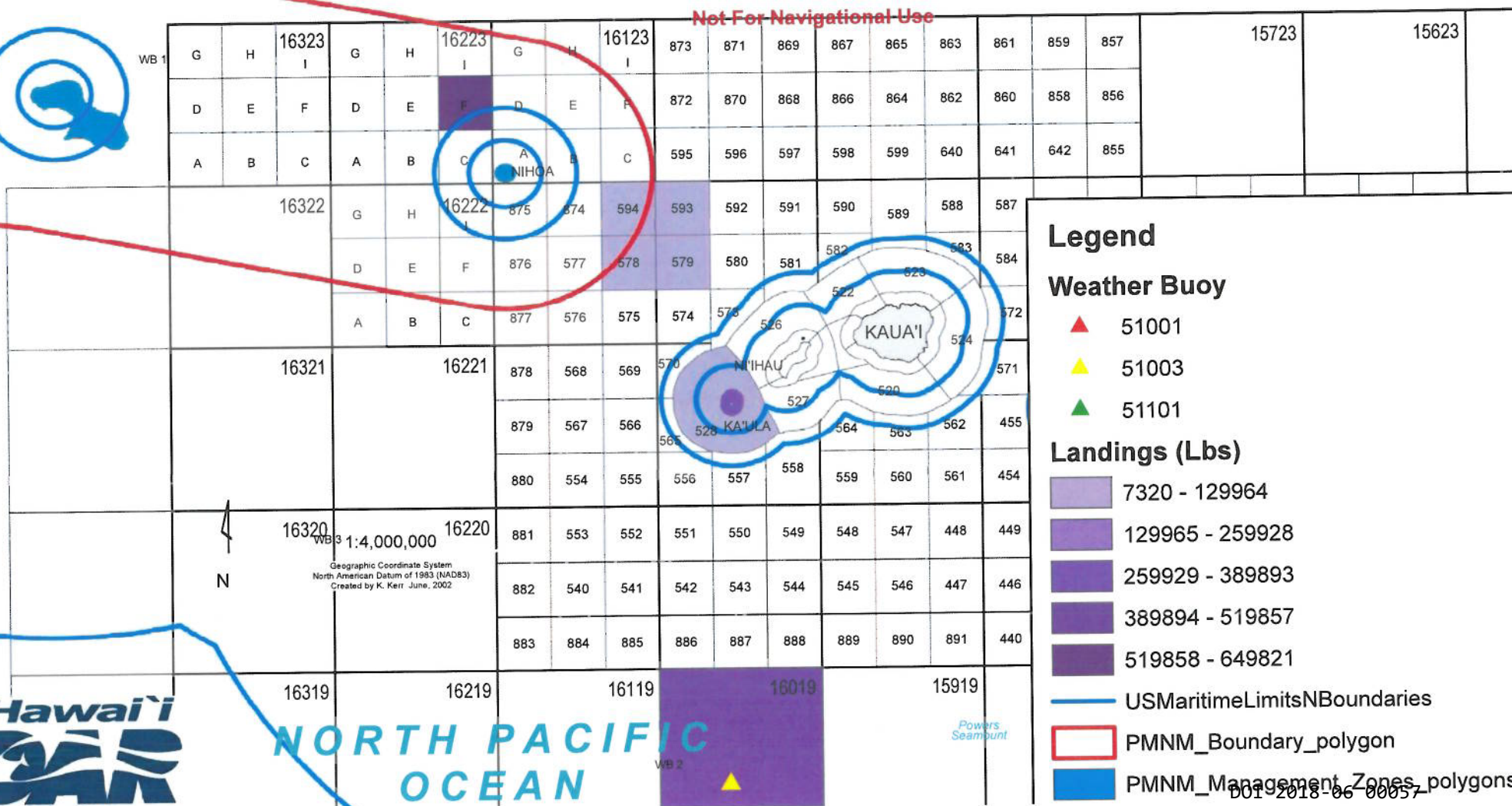
Hawaii Longline Fishery (total)  
(estimated catch information)

## EXHIBIT K

# Commercial Non-Longline Landings in the Vicinity of the Papahānaumokuākea Marine National Monument, 2005-2014



Not For Navigational Use



## Legend

### Weather Buoy

- ▲ 51001
- ▲ 51003
- ▲ 51101

### Landings (Lbs)

- 7320 - 129964
- 129965 - 259928
- 259929 - 389893
- 389894 - 519857
- 519858 - 649821

— USMaritimeLimitsNBoundaries

PMNM\_Boundary\_polygon

PMNM\_Management\_Zones\_polygons

DOI-2018-06-00057



## EXHIBIT L



## United States Senate

June 16, 2016

The Honorable Barack Obama  
President  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Mr. President:

I am writing to propose that you exercise your authority under the Antiquities Act to proclaim a thoughtful expansion of the Papahānaumokuākea Marine National Monument (PMNM) based on the analysis and recommendations presented in this letter. This proposal would create the world's largest marine protected area.

On March 23, 2016, I wrote expressing my conditional support for an expansion of the PMNM, provided that we could address the concerns of key Hawai'i stakeholders regarding boundaries, governance, and resources. You responded promptly by directing officials from the Council on Environmental Quality (CEQ), the National Oceanic Atmospheric Administration (NOAA), and the Department of the Interior (DOI) to visit Hawai'i and to engage with state and county government leaders, Native Hawaiians, fishermen, scientists, and environmental groups. As a result of these meetings and subsequent discussions, I support expansion of the PMNM as described below.

The best available science indicates that expanding the PMNM will strengthen an ecosystem that sustains tuna, swordfish, sharks, seabirds, sea turtles, and Hawaiian monk seals. This strengthening will, in turn, support more productive fisheries outside the PMNM and provide a vigorous carbon sink to combat climate change. Protecting this region more thoroughly will also preserve undiscovered biodiversity for future discoveries, and maintain a reservoir of genetic diversity that will allow marine species the greatest possible chance of adapting to environmental change. Moreover, the expanded region contains significant bio-cultural resources and archaeological sites that further justify use of the Antiquities Act.

The Northwestern Hawaiian Islands (NWHI) host some of the planet's most intact and extensive coral reefs, which serve as the backbone of an ecosystem that supports the world's largest repository of seabirds and the highest density of apex predators. The adult corals that sustain and

grow these reefs are concentrated within the current boundaries of the PMNM, but research taking place today strongly suggests that as juveniles, they spend much of their time beyond those boundaries but within the proposed expansion area. Thus, by expanding the monument, we protect both the corals and the marquee species they support: tuna, swordfish, sharks, seabirds, sea turtles, and Hawaiian monk seals.

Expanding the PMNM will protect biodiversity, including undiscovered species and largely undocumented ecosystems around sea mounts, ridges, and the deep ocean floor. The genetic variation present in large populations of marine species holds the single best hope for adaptation and resilience against ocean warming and acidification. Preserving this genetic diversity depends on conservation, and scientists have established that the larger the scale of a marine protected area, the greater its conservation effect. Additionally, the NWHI have one of the world's highest concentrations of unique species not found anywhere else on the globe. The prevalence of these unique species provides a further warehouse of genetic diversity that can support resilience and adaptation to climate change throughout the Pacific, and, potentially, the world.

The expansion would directly combat climate change. In the same way that intact forests sequester carbon, healthy ocean ecosystems provide a vigorous carbon sink that lowers the amount of carbon dioxide in the atmosphere. Simply put, the best scientific data available support the use of your authorities under the Antiquities Act to expand the PMNM.

The NWHI also contain cultural and historical sites that the current boundaries of the PMNM do not fully protect. The upcoming 75<sup>th</sup> anniversary of the decisive Battle of Midway will draw attention to the remains of the World War II era wrecks discovered and documented in this region. Of the six major vessels lost by the American and Japanese navies in that battle, however, only one full ship has been found—the U.S. carrier *Yorktown*—and it lies outside the current boundaries of the PMNM. However, the search for three of the Japanese ships—the *Koga*, *Soryu*, and *Akagi*—has narrowed, and archaeologists and scientists expect discoveries outside the current boundaries of the PMNM. Thus, extending the PMNM's boundaries would protect not only the *Yorktown*, but potentially many of the other lost ships, aircraft, and sailors and marines from that significant battle, along with as yet undiscovered wrecks from other times.

Over and above their place in modern history, the NWHI also served Native Hawaiians as an ancient pathway up and down the Hawaiian Archipelago—a pathway that they navigated for 400 to 500 years guided by careful observations of the stars, ocean currents, and marine life. Today, this route connects Native Hawaiians to their cultural heritage of ocean exploration and



stewardship, as demonstrated by the Polynesian Voyaging Society's Mālama Honua voyage around the world.

Mālama Honua started with a trip around the NWHI, where master navigators were able to help apprentices hone their craft. The NWHI provide the ideal conditions to practice this traditional art, and expanding the PMNM will help maintain the biological character of the NWHI that traditional navigators rely on to find their way. Thus, the benefits to the ecology of the NWHI also reinforce and strengthen its capacity to connect Native Hawaiians today to their cultural and historic heritage.

Greater marine protection for the NWHI and its surrounding waters will protect their unique ecology and their historical and cultural value, but this region also supports a variety of Hawai'i residents and businesses. I will not support an expansion proposal that does not adequately take these interests into account. Recreational and subsistence fishing; cultural practices and ocean sports; and commercial longline fisheries—these traditional and customary practices all depend on access to and use of waters that currently lie outside the PMNM.

Engagement by your Administration with Hawai'i's recreational, cultural, and commercial stakeholders has identified their core concerns:

- **Boundaries**—the precise contours of where the PMNM would expand;
- **Governance**—PMNM co-trustee status for the Office of Hawaiian Affairs to give Native Hawaiians additional authority to protect the cultural and historical assets within the monument; and
- **Resources**—personnel and funding for research, exploration, management, educational opportunities and enforcement.

Based on engagement with leaders from interested communities, I have the following recommendations on how to address these concerns and to develop an expansion proposal that can draw widespread public support.

**Boundaries.** Residents of Kaua'i and Ni'ihau have expressed a strong interest in maintaining their longstanding culture of fishing, and I insist on their continued, unchanged access to fishing grounds. In addition, Hawai'i has a lengthy tradition of recreational and subsistence uses of the ocean including fishing, diving, canoe paddling, and sailing. Moreover, Hawai'i's longline fleet has fished in the Northwestern Hawaiian Islands for decades. The responsible and sustainable practices of our longline fleet have resulted in Honolulu's recognition as one of the nation's ten most productive fishing ports.

**Recommendation:** Protect environmental, scientific, historical, and cultural assets by expanding the regions of the PMNM west of 163° West Longitude PMNM out to the full 200 nautical miles of the U.S. Exclusive Economic Zone. This would increase the area protected in the PMNM from 139,800 to 582,578 square miles.

Preserve recreational, subsistence, and commercial uses by excluding any expansion of the current southeastern boundary of the PMNM east of 163° West Longitude towards the Main Hawaiian Islands. The non-expansion area would include a particularly active fishing spot near NOAA Weather Buoy 51101. I have enclosed a map which depicts the recommended expansion.

**Governance.** The PMNM holds special significance for Native Hawaiians, and Governor David Ige has requested that OHA become a co-trustee for the PMNM, along with the Department of Commerce, the Department of the Interior, and the State of Hawai'i. I join him in making this request because OHA's enhanced status will provide Native Hawaiians with greater input into the proper management of the monument to preserve and enhance its cultural and historical significance.

**Recommendation:** Amend the PMNM governing documents to recognize OHA as a co-trustee. Under Executive Order 8031, which established the PMNM, the co-trustees maintain their respective jurisdictions and areas of expertise. As such, recognizing OHA as a co-trustee will not alter or change the authority of any existing co-trustees, but, instead, ensure that Native Hawaiian perspectives will have representation in deliberations by a co-trustee with the appropriate jurisdiction.

**Resources.** Expanding the PMNM will create vast opportunities to better understand the unique ecology of our Hawaiian Archipelago, but this can only occur if sufficient funding exists for research, conservation, and management in an expanded PMNM.

**Recommendation:** The ambitious scale of this proposal has inspired interest from government managers, philanthropic organizations, and individuals to support the expansion. I am confident this interest will grow into commitments if a concrete proposal emerges supported by key stakeholders in Hawai'i.

A thoughtful expansion of the PMNM will continue Hawai'i's long history of sustainable use of the land and oceans into the future, and help ensure that we can give our children the legacy of a healthy, vibrant Pacific Ocean. I hope you will consider this proposal, and if you agree that it has merit, I respectfully request that you pursue a course of engagement, especially on Kaua'i and on O'ahu, which would allow the public an appropriate opportunity to provide written



comments, oral testimony, or both before you determine whether to exercise your authority under the Antiquities Act.

I appreciate the respectful and pro-active engagement by your Administration on this issue, and I look forward to continuing this collaborative process. As we commemorate the tenth anniversary of the establishment of the PMNM, I believe this proposal aptly recognizes that milestone.

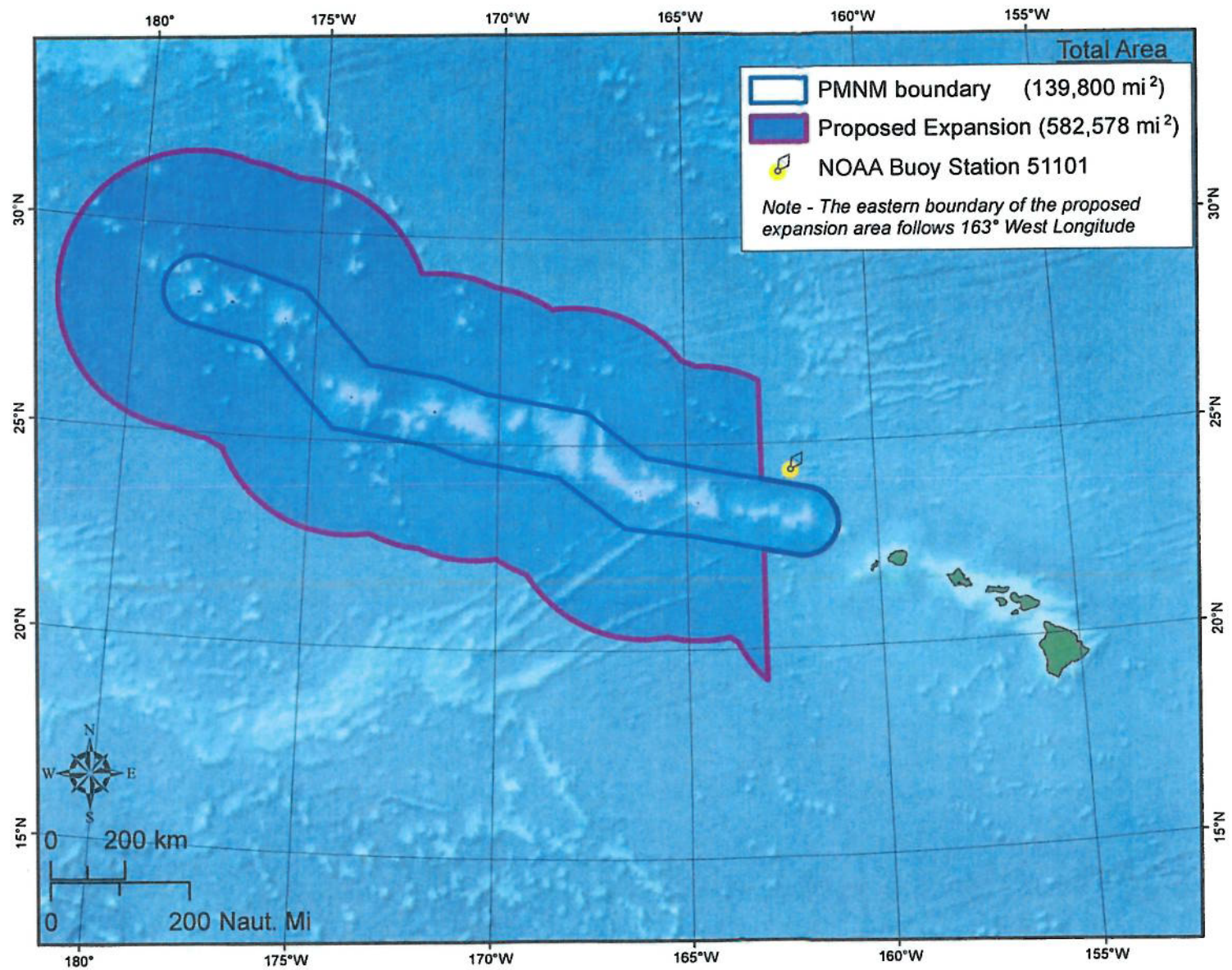
Sincerely,



BRIAN SCHATZ  
United States Senator

Enclosure

cc: Christy Goldfuss, Managing Director, Council on Environmental Quality  
Sally Jewell, Secretary of the Interior  
Penny Pritzker, Secretary of Commerce  
Dan Ashe, Director, Fish and Wildlife Service  
Dr. Kathy Sullivan, Under Secretary of Commerce for Oceans and Atmosphere



## EXHIBIT M



# Schatz Proposes Creation of World's Largest Marine Protected Area

As President Obama Considers Expanding Papahānaumokuākea, Schatz Submits Proposal Developed with Stakeholder Feedback

Thursday, June 16, 2016

WASHINGTON – Today, U.S. Senator Brian Schatz (D-Hawai'i) sent his proposal to expand the Papahānaumokuākea Marine National Monument (PMNM) to President Barack Obama following the tenth anniversary of President George W. Bush's executive order that established the original boundaries for the PMNM. At 582,578 square miles, the proposal would create the world's largest marine protected area by expanding the PMNM west of 163° West Longitude out to the full 200 nautical miles of the U.S. Exclusive Economic Zone, while preserving access for local fishermen on Kaua'i and Ni'ihau by maintaining the current boundaries of the PMNM east of 163° West Longitude. The proposal would also secure an increased role for managing the PMNM for Native Hawaiians. Schatz, a member of the Senate Commerce Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, and his staff met with Governor David Ige, Senator Ron Kouchi, Mayor Bernard Carvalho, and the Office of Hawaiian Affairs to discuss their concerns. With their feedback, Schatz developed the proposal sent to the president.

Governor David Ige said, **"Like the Polynesians who first settled these islands, we can balance the management of this unique natural habitat and its historic artifacts with the needs of the human population. Sen. Schatz has addressed many of the concerns I've heard about the expansion of the Papahānaumokuākea Marine National Monument and has proposed reasonable accommodations for local fishers who are helping to feed our families. I look forward to the public process as it moves forward."**

Key points include:

- Stopping expansion at 163° West Longitude so Kaua'i and Ni'ihau residents will have access to all of their existing fishing areas—including the particularly active fishing spot near NOAA Weather Buoy 51101.



- Recognizing the Office of Hawaiian Affairs as a co-trustee of the PMNM on equal footing with the Department of Commerce, the Department of the Interior, and the State of Hawai'i.
- Proposing a significant expansion that supports both Hawai'i residents and the environment and that will inspire commitments from government managers, philanthropic organizations, and individuals to support the expansion.

**“The best available science indicates that expanding the PMNM will strengthen an ecosystem that sustains tuna, swordfish, sharks, seabirds, sea turtles, and Hawaiian monk seals,”** Senator Schatz wrote to the president. **“[T]he expanded region contains significant bio-cultural resources and archaeological sites that further justify use of the Antiquities Act.”**

**“A thoughtful expansion of the PMNM will continue Hawai'i's long history of sustainable use of the land and oceans into the future, and help ensure that we can give our children the legacy of a healthy, vibrant Pacific Ocean.**

**“[I]f you agree that [this proposal] has merit,”** Senator Schatz continued in his letter to the president. **“I respectfully request that you pursue a course of engagement, especially on Kaua'i and on O'ahu, which would allow the public an appropriate opportunity to provide written comments, oral testimony, or both before you determine whether to exercise your authority under the Antiquities Act.”**

## EXHIBIT N



May 9, 2017 | 🌤️ 71° | 🚗 Check Traffic

**Editorial | Our View**

# Larger marine preserve makes sense

Posted July 01, 2016

July 1, 2016

A national proposal that pits environmentalists against the fishing industry would have an outsized impact on Hawaii: a huge expansion of the Papahānaumokuākea Marine National Monument (PMNM).

Advocates want President Barack Obama to use the Antiquities Act to expand PMNM from its current 50-mile-out boundary to 200 miles out — encompassing the entire U.S. exclusive economic zone (EEZ) around the Northwestern Hawaiian Islands, making it the world's largest marine reserve.

It's an audacious idea, and not without negative consequences. Access to the area could be heavily restricted and regulated. Moreover, Hawaii's commercial longline fishing fleet would be banned from laying its hooks over the roughly 600,000 square miles the PMNM would encompass. That could have an impact on the supply of fresh fish on our docks.

ADVERTISING

On balance, however, expanding the monument is the more sensible option. Given the relentless pressure on the oceans' ecosystems from both man and nature — an aggressive fishing industry, a warmer Western Pacific, pollution, alarming declines in certain marine species — public policy should follow the best available science to ensure the health of Hawaii's ocean environment and wildlife for generations to come.

Robert Richmond, a research professor and director of the Kewalo Marine Laboratory, told the Star-Advertiser editorial board that truly effective marine conservation requires protecting areas of relative isolation that encompass many diverse habitats and unique species — features which Papahānaumokuākea possesses in abundance, at least for now.

The area contains an interdependent web of wildlife, from the fish we eat to 4,000-year-old corals.

Moreover, a five-fold expansion of the reserve reflects the proportions needed for the buffer required to protect this marine life from the broad impacts of global climate change, said Richmond, who is one of a large number of scientists who signed a letter to Obama urging him to expand the reserve for these reasons.

But does that mean Hawaii's small commercial fleet of 140 longline fishing boats should be banned?

That's a trickier question.

The Western Pacific Regional Fishery Management Council, an unapologetic booster of the fishing industry, says its scientists believe Hawaii's fishing fleet has a negligible impact on the EEZ, and that banning fishing in the EEZ will only harm Hawaii's economy and the fishery without benefitting conservation.

In an April letter to Obama, council officials argued that "if these Hawaii vessels are forced to fish on the high seas, they faced increased competition with foreign vessels, lower catch rates, and higher operating costs."

The numbers tell a more nuanced story. The fleet already operates on the high seas, by choice, because that's where the fish are. Recent data on Hawaii's longline vessels gathered by the Pacific Islands Fisheries Science Center show that most of the fishery's harvest already comes from outside the EEZ — upwards of 90 percent or more, depending on the year.

Moreover, in 2014, the fleet caught a record 216,897 prized bigeye tuna, Hawaii's source of locally caught fresh ahi. And while the loss of the EEZ would impose a burden to the fishery, it's not likely to be a fatal one. A closed EEZ would not prevent the fishery from catching its full quota, which could be collected elsewhere, as it mostly has been.



It also should be noted that in 2014, the fishery hooked 5,662 sharks within the EEZ, but kept only 44. Overall that year, the fishery caught 85,067 sharks and kept less than 1 percent of them. Sharks, while hugely important in a balanced marine ecosystem, are mere bycatch for the fishery.

Such bycatch is part of longline fishing, which employs what Richmond called “a wall of hooks” — 47 million hooks deployed by the Hawaii fishery in 2014, a strong argument that the effects of longline fishing are not benign.

Among the advocates who have urged Obama to expand PMNM are U.S. Sen. Brian Schatz, who has proposed allowing small-time fishers access to the eastern edge of the EEZ; and a group of prominent Native Hawaiians, including William Aila, Nainoa Thompson and Kamana’opono Crabbe, CEO of the Office of Hawaiian Affairs (OHA).

Indeed, OHA wants to be a co-trustee of an expanded PMNM, so it can represent Native Hawaiian interests on equal footing with the state of Hawaii and the federal agencies that would manage the monument.

While the cultural importance of all the Hawaiian islands to the Native Hawaiian community cannot be denied, such an arrangement raises jurisdictional questions about the role of OHA, which is a state agency.

Proponents of an expanded PMNM hope to entice Obama to approve the expansion and announce it, in person, at the International Union for Conservation of Nature Congress, to be held in Hawaii in September. That would be a public relations coup — though closing off such a large section of Hawaiian waters, even for the best of reasons, will come at a cost. The amount remains to be seen.

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## EXHIBIT O

Community Voice

# Expanding Marine Preserve Is The Pono Thing To Do

Better to be safe than sorry, when it comes to protecting fish in the Papahānaumokuākea Marine National Monument.



By Isaac "Paka" Harp  / July 8, 2016

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Papahānaumokuākea belongs to all of us and the expansion will benefit us for generations to come. It will help to protect Hawaii resources from the likes of federal fishery managers, who allowed commercial lobster fishers to take juvenile and egg-bearing lobsters from waters around our Northwestern Hawaiian Islands after the lobster fishery crashed not once, but twice.

This blatant disregard of the sustainability of Hawaii resources for the sake of profit guided my decision to draft a management plan for the area. That plan helped result in the establishment of the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, the world's largest marine protected area, in 2000. After the reserve was established, the Western Pacific Regional Fishery Management Council (Wespac) applied propaganda [in an attempt](#) to kill the reserve. That is only the tip of the iceberg. Learn more about Wespac, the "cats" who run the fish house, [here](#).





Courtesy: NOAA

A male Hawaiian Pigfish is seen at 320 feet at Kure Atoll, which is 1,300 miles northwest of Honolulu inside the boundaries of Papahānaumokuākea Marine National Monument.

## Learning Malama Aina

The value of malama aina (care for that which feeds) is born in many of us in Hawaii from a young age. I started fishing in the shallow waters of Nanakuli when I was 7 years old, under the guidance of my uncle Palani Ku'uku. I was his haumana (student). I observed his free-dive fish spearing skills as I carried his kui (fish-carrying implement) as I swam alongside him. Within a few years, I was diving and spearing fish and hee (octopus) myself to help my mom feed my brothers and sisters.

I thought it would please my mom, the last pure maoli (aboriginal Hawaiian) in my ohana, if I could bring home more fish. My mom became a struggling single parent after my father passed away in 1964.

I knew from observing others that I could catch a lot more fish using a gill-net than I could using a spear, so I eventually saved enough money to buy one for \$10 and learned how to use it. I was proud of myself when I made my first catch of anae (large mullet) to take home to mom, who in her wisdom scolded me because I brought home more fish than we needed. After the scolding, my



mom shared a lesson with me that she learned from her kupuna (elders). I learned that our natural resources, including fish, belong to the future, and that we may borrow what we need, but our kuleana (responsibility) is to care for the fish to insure they are available for the future. Taking too much, as I did, was contrary to my kuleana to the future.

Later in life, I learned that the belief in malama and malama aina was in practice in Hawaii long before I came along. The people of old Hawaii held that overharvesting natural resources threatened the survival of future generations. This helped me understand why a person and his or her ohana (family) could be banished from a village, or even put to death for breaking kapu (laws) protecting the natural resources.

If you threaten the natural resources, you threaten the survival of everyone's future generations, including your own. I am proud to pass this knowledge on to my descendants and others because it is my kuleana and a lesson we should all know.

## Pulling Money Out Of The Ocean

Sadly, the opposite of malama is happening in the ocean around Hawaii, where a wave of greed has rolled in. Commercial longliners put on humanitarian hats and boast that they are family-run businesses, create jobs and feed local families, which stretches the truth. Some of their fish does feed local families, but only those who can afford the high-priced fish. They do indeed create jobs, with over 75 percent of the jobs going to foreign nationals. Much of the fish caught goes to feed the tourist and fish-export industries, while some longline boat owners act as though the ocean around Hawaii is their private property to exploit as they please.

Their motivation is not to create local jobs or to feed local families; their motivation is to pull money out of our ocean to put into their pockets.

International agreements designed to malama overfished stocks like bigeye tuna in the Central and Western Pacific established an annual quota system to allocate a fair share of bigeye by area.



Last year, Hawaii longliners bought quotas from the Northern Mariana Islands, Guam and American Samoa to catch more bigeye tuna.

In 2015, the Hawaii bigeye tuna quota was set at 3,500 metric tons. One would think that 77 million pounds of tuna would be more than enough for Hawaii, but it wasn't. Hawaii longliners caught Hawaii's quota by August 2015, so a deal was struck to purchase 1,000 tons of the 2,000-ton Commonwealth of the Northern Mariana Islands quota. That quota was caught by Hawaii longliners in November 2015, so another deal was struck to purchase 1,000 tons of Guam's 2,000-ton quota. Yet another deal was struck with American Samoa for a portion of their quota. Hawaii longliners purchased bigeye tuna shares from three different Pacific island areas, but they did not go to those areas to catch those shares. They continued to fish around Hawaii.

It's worth taking a minute to understand that our ocean waters are swarming with large-scale fishing efforts. In 2014, the latest available federal data showed that 47.1 million hooks were deployed by Hawaii-based longliners. The data came from longliners' own logbooks at the Pacific Island Fisheries Science Center. Their main target is bigeye tuna (ahi), which is known to be in



an overfishing condition. Of the 47.1 million hooks, 8.4 million were set in the Hawaiian Main Islands Exclusive Economic Zone, while 2.5 million were set in the Northwestern Hawaiian Islands EEZ.

The assault by large-scale fishing interests on marine resources around Hawaii has been typical for the last few decades. Hawaii longliners report that only 5 percent of their catch comes from around our Northwestern Hawaiian Islands, so excluding them from that area will have no impact on them, since they can continue fishing everywhere else. They should easily be able to catch the 5 percent elsewhere, since they nearly doubled their 2015 quota by buying other shares.

## A Public Trust

The ocean is a public trust resource for the many, not for the personal gain of a few. The longline fishing issue is no different from the land-based issues in which corporations divert our stream waters for their personal gain. They too put on their humanitarian hats and boast of creating jobs and export commodities, but their motivation is the same: to put money into their pockets at the expense of the resource owners, the people of Hawaii. Fish, like our fresh water, belong to all of the people. These are our public trust resources.



Courtesy: NOAA

A school of Elegant Anthias (*Caprodon unicolor*), one of the most common fishes at 320 feet, Kure Atoll. These are Hawaiian endemic fishes (not known from anywhere else on Earth except Hawaii). Deep reefs at Kure Atoll were discovered to have the highest levels of endemism known from any marine ecosystem on Earth.

As a small boat lawaia (fisher), one of the best pleasures I have is to give fish away to family and friends, especially to kupuna who can't afford to buy fish. This gifting of fish is typical for many of our small boat lawaia in Hawaii. Some sell fish on the side of the road for often less than half of what the stores charge, others drop off fish to small stores around the islands to sell, and some sell directly to middlemen such as wholesalers and restaurants. The price of locally caught fish is normally less than the longline-caught fish, the fish is fresher and our techniques do not affect threatened and endangered species.

Reducing longline fishing near Hawaii would provide a greater opportunity for ahi and other open ocean species like mahimahi, ono and marlin to reach local fishers, who inject a significant amount of money into Hawaii's economy. Typical small boat fishers need to buy a boat, fishing equipment, fuel, ice, bait, etc., and that money trickles down to many areas of our community. When we compare the economic benefits, it is clear that small boat fishers contribute more to our local economy with far less impact to our fish stocks than longliners could ever do. Keeping the Northwestern Hawaiian Islands corridor free of longlines should allow more pelagic fish like ahi, mahimahi, ono and marlin to reach the main islands, where they would be accessible to small boat lawaia and benefit the many rather than the few.

Claims are being made by those who don't want to see the monument expanded; and these need clearing up.

It should be said that a large boat and a lot of money for fuel, gear, bait, ice and other supplies is needed to get out to the Northwestern Hawaiian Islands and haul back enough fish just to break even, let alone make a profit. But for those that have the needed skills, crew, and equipment, the current proposed expansion released by Sen. Brian Schatz does not extend any closer to Kaua'i, leaves Middle Bank as it is, and leaves the weather buoy north of Nihoa open, all for the benefit of non-longline commercial fishing. Some people claim that



they haven't been consulted. However, it is clear that this proposal took into consideration those who chose to weigh in.

## We Want Public Hearings

Although hearings are not required under the Antiquities Act, Hawaiians like me, who support the proposed expansion, are calling on President Obama to hold public hearings in Hawaii before he takes action on the proposal. Like in 2000, when the Coral Reef Ecosystem Reserve was established, those proposing the expansion are again supporting public input.

The existing subsistence rules for the monument were modeled after those adopted for Kahoolawe, where cultural practitioners can sustain themselves while visiting the island for cultural activities. The rules prevent abuse of this privilege by commercial fishing interests. Existing subsistence fishing rules for Papahānaumokuākea require that fish caught there be consumed there. It is a far stretch to believe anyone would travel hundreds of miles across the open ocean for subsistence fishing. Regardless, I am willing to discuss the current subsistence rules with anyone with a valid concern.

Regarding military activity in the area, designating a larger monument will not grant the military the ability to increase their activity in the area, since they already have full access. The federal government already controls the area and expanding the monument could result in a refocus on how they control it. The expansion could encourage the United States to reassess military activity in the area and it will give us better footing to call for a halt to military activity harmful to the marine environment.

Rather than the destruction that the U.S. military is famous for around Hawaii, they could become a partner in protecting this special area by using passive surveillance equipment to monitor for poachers, in addition to addressing their fear of hostile military threats from the sea. This area should be designated a quiet zone, where ship traffic is discouraged so that marine life can escape the non-stop impacts of the world's noisy seas. Hawaii needs this, the world needs this, but most of all the marine life needs this.

The fact is that we really don't know what we have out there, as evidenced by continual new discoveries. Hawaii's deep-sea resources, such as many newly discovered species including corals confirmed to be over 4,500 years old, seabed minerals sought after by ocean mining corporations and breeding grounds for local stocks of pelagic species deserve a puuhonua (a place of refuge) to shield them from man's ever-growing lust for profit. The "precautionary approach" is a term wielded by many natural resource managers; so for once, let's take the precautionary approach before we cause unintentional harm that we may never be able to repair.

Will the expansion help President Obama's legacy? Perhaps, but the bottom line is that expanding the protected area is the right thing to do. Mahalo!

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## About the Author



### Isaac "Paka" Harp

A former member of the Western Pacific Fishery Management Council's Native and Indigenous Rights Advisory Panel, Isaac "Paka" Harp helped establish the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve in 2000.

[Use the RSS feed to subscribe to Isaac "Paka" Harp's posts today](#)

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## EXHIBIT P





## OHA statement on Papahānaumokuākea

HONOLULU – The Office of Hawaiian Affairs Board of Trustees has voted to conditionally support the proposed boundary expansion of Papahānaumokuākea Marine National Monument provided that:



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1. OHA is elevated to a co-trustee position,
2. The cultural significance of the expansion area to Native Hawaiians is recognized, and
3. There is no boundary expansion southeast toward the islands of Ni‘ihau and Kaua‘i.

Therefore, OHA supports the expansion as outlined by U.S. Sen. Brian Schatz.



In the ten years since the creation of the monument, no Native Hawaiian who has applied for a permit has ever been denied access. The waters that would be included in the expansion are already under the jurisdiction of the federal government, which has been the sole manager of the area since 1976. Expanding the monument will bring the area under a co-management structure where OHA, if elevated to a co-trustee position, will be able to effectively advocate for Native Hawaiian rights and access.

"By becoming a co-trustee, we will have a greater voice and more influence on policy, protections and programmatic activities," said Kamana'o pono Crabbe, Ka Pouhana (CEO) of OHA. "We will be able to create prospects for cultural research that has scientific implications and for Native Hawaiian students to maintain the spiritual, intellectual and genealogical bond with islands traversed by their forefathers."

"Papahānaumokuākea will be the largest marine sanctuary in the world and make us a global leader to show conservation and progress can work hand-in-hand to create a more sustainable future for everyone," Crabbe said.

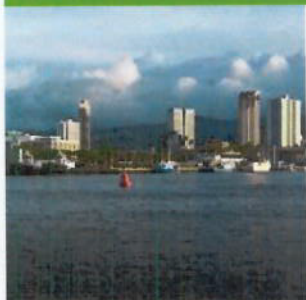
[Click here for FAQs on the proposed expansion.](#)

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### OHA AND KAUAI COMMUNITY STAND UP FOR WATER RIGHTS

## EXHIBIT Q



**Statement by Senator Mazie K. Hirono  
Proposed expansion of the Papahānaumokuākea Marine National Monument  
August 1-2, 2016**

Open debate and transparency are essential when making informed policy decisions. These principles are particularly important as we consider the proposed expansion of Papahānaumokuākea Marine National Monument (MNM), using the Antiquities Act as the vehicle for expansion.

In January 2016, I received a copy of a letter signed by seven members of the Native Hawaiian community asking President Obama to start a discussion about expanding the Papahānaumokuākea MNM which would create the largest protected area on Earth. In May, the White House Council on Environmental Quality and other federal agencies came to Hawaii to meet with a number of local stakeholders about a possible expansion of the Monument.

The public meetings taking place on Oahu and Kauai this week will allow the Hawaii community to provide further input. Since this process has been initiated, I have been engaged with stakeholders across the state and they have expressed strong opinions about whether we should expand Papahānaumokuākea MNM. Some have raised environmental concerns, others economic concerns, and still others cultural concerns. Some are in strong support, and some are in strong opposition.

President Obama now has a proposal from Senator Schatz to expand Papahānaumokuākea MNM using the Antiquities Act. The Antiquities Act allows the President to set aside for protection “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest.” Since the Antiquities Act allows Presidential action without a formal process applying federal environmental laws, I appreciate the Obama Administration’s effort to engage the Hawaii community in the decision making process.

As recently as today, I spoke with the Managing Director of the Council on Environmental Quality and we both agreed that listening to Hawaii’s people through these public meetings is important. We agreed to connect again after the public meetings.

The National Oceanic and Atmospheric Administration and the U.S. Fish and Wildlife Service will provide key input to the President on his decision. The Administration’s analysis should include projections regarding the management resources and tools that will be needed to effectively administer an expanded area, the technical and scientific benefits of such an expansion, and economic considerations.

While there is no requirement that federal agencies make their analyses available to the public before any final decision by the President under the Antiquities Act, I believe it would serve the public’s interest for this information to be made available. Access to the same information will enable all of us to understand the basis for the President’s decision on the expansion of Papahānaumokuākea MNM, especially as his decision will permanently affect livelihoods and our environment in Hawaii.

